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THE AMERICAN HISTORICAL MAGAZINE

AND

Tennessee Historical Society Quarterly

EDITOR

A. V. GOODPASTURE

Secretary Tennessee Historical Society

PUBLISHED QUARTERLY BY

A. V. & W. H. GOODPASTURE

AT NASHVILLE, TENN.

VOLUME VII, 1902

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THE

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REPRESENTING THE CHAIR OF AMERICAN HISTORY IN THE PEABODY NORMAL COLLEGE.

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DAVID CROCKETT.

BY S. H. STOUT, M.D., LL.D., DALLAS, TEXAS, HONORARY MEMBER OF THE TENNESSEE HISTORICAL SOCIETY.

[Written for the Ellis County (Texas) Mirror.]

Outside of the State of Tennessee, whose people he long served in various positions of trust, as a soldier under Andrew Jackson, as a Justice of the Peace, a member of the State Legislature—at one time in the Senate—and a Representative in the Congress of the United States, the true character and honorable career of David Crockett are but little known;—and here in Texas, for whose independence he laid down his life, he seems to be regarded as a rude specimen of humanity—so rude and rough in his manners and habits as to have been uncomfortable in genteel society, preferring the dress of a backwoods hunter, a hunting shirt and coon-skin cap, to that of the average gentleman of the times in which he lived.

A History of Texas, written by a lady teacher, extensively used in the schools of the Lone Star State, contains a footnote that reads as follows:

"From boyhood, David Crockett was known throughout Tennessee as the champion hunter. While in the flush of early manhood, he felt that the Lord had called him to be a member of the United States Congress. Though uneducated, he possessed the knack of speaking to the country people, and he was sent to Congress by a fine majority. He could not accustom himself to the manners and customs of city life. When he rose to speak in Congress, he found it very different from making a stump speech;

his ignorance of parliamentary rules was continually placing him in awkward positions."

In the Capitol at Austin, there hangs a picture procured at the cost of two or three thousand dollars, purporting to be a portrait of David Crockett, clad in hunting shirt and coon-skin cap.

The editor of the *Mirror*, having requested me to prepare for publication the facts of David Crockett's history and career, I cheerfully proceed to perform the task in the interest of truthful history; and that school children everywhere, studying his career, may draw inspiration therefrom excitive of honest effort under difficulties, enkindling in their breasts unselfish patriotism like that which animated his ambitions, and moved him to sacrifice himself that others might be free.

David Crockett was of Scotch-Irish descent. The immigrants to North America of the Scotch-Irish stock and their descendants of the first two generations born on this continent, differed from the Puritans of New England and the Cavaliers of Virginia in their religious convictions and church government, and in their social aims and practices, in many minor phases and in some particulars essential to the formulation of ideas of government and the founding of political communities. With them on questions of policy and individual and social duty, the German Palatinates, who suffered much from savage barbarity, in the early history of the Colony of North Carolina, the French Huguenots of South Carolina, and the Dutch and German Reformed churches, easily assimilated, and sincerely sympathized. For they were Calvinists in religious faith, and their form of church government was that of a representative republic, with specific constitutions for every church judicatory from the lowest to the highest. In practice, theirs was a family religion and they were intensely resentful of any intermeddling with their domestic or fireside privileges. Like old John Knox, they were not given to much respect for the rank of any person or power that essayed to trample upon their rights of conscience, or the sacred private prerogatives of the family.

The Scotch-Irish Presbyterians, with the traditions they brought with them from the old country, also brought their catechisms, and a classically educated ministry. Many of the early immigrants and their sons for nearly half a century, were so busily

engaged in fighting Indians and subduing the wilderness for cultivation, that they had little time to attend church or school; but they never failed to erect log churches, and bush arbors, in which their wives and children could attend the preaching of their educated pastors, whose visits were sometimes few and far between. Many of them were descendants of the old Scotch covenanters, who had fought under the Duke of Argyle.

Some of them had been actual participants in the battle between Protestants and Catholics in Scotland and Ireland. It was my privilege to know well, an aged Scotch-Irishman, who had often heard his grandfather describe the Siege of Londonderry, during which he (the grandfather) was shut up in that city, and survived many years the sufferings he endured there.

There is a tradition asserting, that for many years after the Scotch-Irish settled in Western North Carolina, the execution on loud sounding musical instruments of the air of "The Campbells are Coming," would call out the whole population of any circle of territory in which it was audible, arouse their enthusiasm and recall liveliest memories of the gallantry of their ancestors on the battle grounds of the old country. The men of that stock were full of the spirit of belligerent sticklers for the rights of conscience; the women were dutiful, pious, and when need be, as heroic, in defense of themselves and their children and homes as were their husbands.

The Cavaliers of Virginia, and Maryland, were adherents of the Church of England and the Roman Catholic Church. Their *animus,* they being scions of the old English country gentry, led them to seek to acquire large areas of land, and to erect great mansions in which to exercise large hospitality. Their dashing, chivalrous spirit infused itself in a large degree into the breasts of the pioneers of the generation immediately preceding the birth of David Crockett.

Among the earlier pioneers of the Valley of the Mississippi, was a considerable moiety of descendants of the Welsh Baptists, who were remarkable for their sturdy honesty, the courage of their convictions, their individuality and self-reliance. Nor were the Puritans of New England, with their enterprise, industry, ingenuity, thrift, and aggressive missionary spirit, without honorable representation among the early pioneers.

From the intermingling of these several types or classes of immigrants, were evolved typical pioneers, of whom David Crockett was a distinguished example. No student of the History of the United States can comprehend the spirit of that part of it which pertains to the settlement of the Great Valley, without considering the factors, material, moral, and religious, that combined, produced such wonderful results, and educated into capacity for usefulness, such men as the old pioneers of the era of whom Crockett and his and many of his contemporaries' ancestors were types.

David Crockett was born at Strong's Springs, near Limestone, East Tennessee, August 17th, 1786.

From the hour of his birth to that of his death, he was in contact with men and women of action, heroes and heroines, who had achieved triumphs over hardships and adverse conditions, the story of which he, doubtless, often heard repeated. Though his opportunities for education by the methods of the schools were meager, as compared with those of the children of the present generation, yet they were equal to the average of those of his contemporaries of the Nolichucky Valley. It is, however, certain that he could read, write and cipher, too, and wield with his pen and tongue a vocabulary of forceful English as effectually as most of the statesmen and politicians of his day.

Men of strong common sense, like Crockett, in continuous warfare with adverse conditions, often become educated into usefulness by absorption from others. In earliest childhood, he personally knew John Sevier, the great Indian fighter, the originator and founder of the short-lived State of Franklin, one of the King's Mountain heroes, and the first governor of the State of Tennessee, and many of his heroic associates.

Crockett did honorable service during the war of 1812, under Andrew Jackson. His acquaintance was co-extensive with the inhabited—and much of the uninhabited—parts of the valley of the Mississippi.

His well-known heroism, his intelligence in regard to past and current events of his native State and the Union, his great modesty and kindliness of heart, attached to him every one who came in contact with him in the social circle. His good humored and original anecdotes, used to impress a principle, to illustrate a

phase of human greatness or weakness, were always appropriate, and made him a welcome guest in the humblest, and in the palatial homes of the fashionable and the wealthy.

Wherever he resided in Tennessee, the descendants of his contemporary neighbors repeat with pleasure and pride the traditions of Crockett, handed down from their fathers.

His marriage license hangs enframed in the office of the County Court Clerk, in Dandridge, East Tennessee, whose people cherish it as a sacred memorial of a grand and good man who once resided in their county, and the citizens of Long Creek point the stranger with pride to a tree that he topped while living there.

From East Tennessee he first emigrated to Lawrence County, in Middle Tennessee, where he was highly respected and very popular. He was elected a Justice of the Peace which in Tennessee was then and is yet regarded as an office of high respectability and trust; for the legislature has never divested it of many of the Common Law functions belonging to it in England.

He represented his people, while there in the Senate of the General Assembly of the State.

When the Western District was opened to settlement, Crockett emigrated to Gibson County, where he resided until he came to Texas, to aid her people in their struggle for independence, leaving his family behind.

He served the people of his district with great satisfaction in the 20th Congress (1827-29), in the 21st Congress (1829-31), in the 23d Congress (1833-35).*

*William Fitzgerald represented the district in the 22d Congress (1831–1833). He beat Crockett in 1831. and in turn was beaten by him in 1833. Doctor Stout simply mentions the fact that David Crockett was first beaten for Representative in Congress by William Fitzgerald of Paris, afterward Judge of the original Ninth Judicial Circuit of Tennessee. At the election two years later Crockett was elected over Fitzgerald; and it was two years later that Adam Huntsman, of Jackson, was elected over Crockett. Then it was that Crockett went to Texas. The issue in the first contest between Fitzgerald and Crockett, and the latter and Huntsman was Jackson and anti-Jackson. But in the second race with Fitzgerald Crockett added to this the ludicrous one that his competitor had received more pay for mileage than was warranted by law. Fitzgerald's construction of the statute was correct, but he had received more than Crockett for the same service and upon this the latter made his canvass and was elected. When Crockett went to Texas he was a disappointed politician, but his death at the Alamo restored his memory to popular favor and elected his son, John W., to Congress.

JAMES D. PORTER.

No politician of his day had stronger hold upon the popular heart in Tennessee than he. To the right understanding of his defeat for re-election in August, 1835, by Adam Huntsman, it is necessary to rehearse certain facts in the history of politics and the state of public sentiment in Tennessee at that time.

When in the early years of the third decade of the present century Andrew Jackson, the hero of New Orleans, was nominated for the presidency, by the Legislature of Tennessee, the people of the State were almost unanimous in advocating his election. He was their leading citizen; his achievements had wrought security from the aggressions of the savages, had humbled the British Lion at Chalmette, taught the Spanish a salutary lesson at Pensacola, and had quieted French disaffection in Louisiana. He was one of themselves. The commercial states of the Northeast, had furnished one occupant of the White House and Virginia four. The commercial section put forward John Quincy Adams, as the candidate of the National Republicans, who claimed to be an improvement on the Republicans of Jefferson's time. The congressional caucus, of these last named, nominated William H. Crawford, of Georgia. Henry Clay, of Kentucky, the only formidable rival of Jackson in the Southwest, also stood for the presidency in 1824.

Jackson's friends were unanimous in denouncing the assumption by the Congressional caucus of the right to name the candidate of the Jeffersonian Republican party—often designating it with great indignation, "King Caucus." The vote for President in the electoral college in 1824 resulted as follows: For Jackson 99, Adams 84, W. H. Crawford 41, and Henry Clay 37.

Mr. Clay having influenced the casting of the vote of Kentucky, in favor of John Quincy Adams, in the final decision by the House of Representatives, and afterward accepting the office of Secretary of State under Adams, greatly incensed the friends of Jackson. A second canvass in favor of Jackson's election immediately began and continued uninterruptedly and zealously until his great triumph in 1828. During that period a convention of representatives of the opposition to Jackson met in Nashville. Its members were only sixty-five all told. It is said, that not one of these so-called "Immortal sixty-five" ever afterward held office by a vote of the people. "All, all," save these were friends of Old Hickory.

His majority of the electoral vote in 1828 over Adams was ninety-five, having gained seventy-nine votes over those cast for him in 1824. In 1832, he was re-elected by an increased vote of the electoral colleges; he receiving 219, and Henry Clay only 49.

These facts are rehearsed to impress the young students of this paper with the fact that until the question of nullification was sprung, how happily triumphant were Jackson and his political friends, and how harmonious, too. Then soon followed Jackson's veto of the Maysville road, and his condemnation of the policy of the internal improvements by the Federal Government —then his war on the United States Bank and his veto of a bill to recharter it; his removal of the treasury deposits from the vaults of that bank, and his "Specie Circular" forbidding the receipt of any money other than gold and silver in payment for public lands. The combined opposition of Clay, Webster and Calhoun demanded all the will power and political tact of the President to sustain himself against the opposing combination of tariff and anti-tariff men, the bankers, and commercial men of the leading cities, the land speculators, and a large majority of the backwoods settlers who yet owed for their pre-empted lands. Speculation was then a great craze, which culminated in the financial crash of 1837, from which the country did not recover for eight or ten years.

By his opponents, Jackson's policy on financial measures was charged as the cause of the great "smash up." He and his still adherent friends charged it to wild speculation.

Mr. Calhoun's opposition to Jackson's administration, having unfortunately manifested itself while he was vice president, by casting his tie vote against the confirmation of Martin Van Buren's appointment as minister of Great Britain, Jackson became warmly attached to the latter. Van Buren was his first choice for vice president in 1832, and through his influence the first National Democratic convention ever held, was called in that year to secure Van Buren's nomination to that office. It was not long before it was manifest that Van Buren was Jackson's choice to succeed himself in the presidential chair.

In consequence of the above stated facts, many of the all along loving family of Jackson's adherents became estranged; and especially was the preference of the President in favor of Van

Buren for his successor, offensive to many of his life-long friends in Tennessee, who preferred Senator Hugh L. White, of Knoxville.

The latter charged that the President had given himself over to the spoilsmen, of whom Van Buren was the chief manipulator, had countenanced the holding of a national convention for the purpose of nominating candidates, thus reviving the reign of "King Caucus," or his equivalent; that as they had sustained him and elected him as a people's candidate, they would not and could not follow him longer, because by his advocacy of Martin Van Buren, he had virtually given over the future nursing and definition of Jacksonian principles to the care of the Albany (N. Y.) Regency and the Tammany Society, whose maxim was, "To the victors belong the spoils."

John Bell, a man of great depth of thought and a profound logician, who was Speaker of the House of Representatives of the 23d Congress, was the leader of the disaffected faction in Tennessee. His celebrated Vauxhall Speech was the indictment on which were arraigned Jackson and Van Buren before the people of Tennessee, and defined the lines of dispute between the Democrats and the opposition, afterward known as Whigs, in that State.

Senator Hugh L. White, Ephraim H. Foster—one of the leading men of his day, an aide-de-camp of Jackson's on the field of Tohopeka, and long a trusted friend of the old hero—and David W. Dickinson, *David Crockett,* William H. Inge, Luke Lea and Balie Peyton, members of the 23d Congress, with their large following, joined the anti-Van Buren faction. Senator Felix Grundy, and Congressmen Cave Johnson, James K. Polk, Aaron V. Brown, Harvey M. Watterson, Gen. Robt. Armstrong, Gov. Wm. Carroll and other men of power and influence, stuck to Old Hickory and his policy.

Then set in an era of campaigns of education, the "golden age" of the stump speakers, that did not end in Tennessee until Fort Sumter was fired upon by the Confederate general, Beauregard.

The political contest in Tennessee in 1835 was rendered memorable by the many manifestations of popular interest. The administration party regarded the possible triumph of the opposition with forebodings of great damage to Van Buren's chances for the succession. The opposition hoped, by their winning the State,

county and civil district in which the President resided, to produce such a moral influence all over the Union, as would secure the presidential prize for Hugh L. White.

East Tennessee was so largely in favor of White, that the administration party made only a show of contest there. Middle Tennessee was supposed to be more evenly balanced. Many of the most talented and experienced of Tennessee's statesmen, of both parties, resided there. West Tennessee was presumed to hold the balance of power. David Crockett was the most popular man in the Western District. He was, too, a most effective stump speaker, could attract larger crowds to hear him, and keep them together longer, than any man in his Congressional District. He was honest, earnest, and bold. His statements and arguments were almost always interspersed with original anecdotes, generally drawn from the experiences of the backwoodsman and the hunter.

Adam Huntsman, a lawyer of note and ability, was "pitted" against Crockett. He, too, had spent most of his life in the backwoods, and could also draw upon the experiences of backwoods life for illustrations of his arguments. The opposition knew well the influence of Crockett among his people, and insisted upon his making the canvass against Huntsman. His most intimate friends asserted that he entered upon the canvass with great reluctance. He had become intensely interested in the struggle of the Texans for independence, and had often expressed his determination to personally participate in that struggle. Doubtless he did intimate from the stump, that if not re-elected he would go to Texas. The story that he said, "If you elect a man with a timber toe* to succeed me, you may go to h—l and I will go to Texas," is an exaggeration, as are many of the sayings attributed to him.

The election in August, 1835, resulted in favor of the opposition. A Whig governor, Newton Cannon, and a large majority of the members of both of the houses of the General Assembly being also Whigs, the State government was in the hands of the opponents of Martin Van Buren. Two-thirds of the representatives of the State in Congress were Whigs. Not a member in the 23d Congress from Tennessee who had revolted against Jackson, and was a candidate for election to the 24th Congress, was

*Adam Huntsman had a limb amputated and wore a peg leg.

beaten—save David Crockett, who, as soon as the election returns were announced, began his preparations to come to Texas. A few more days than seven months after that election, he was killed in the Alamo (March 6th, 1836).

Meteor-like, his presence in Texas, for a short time, illuminated the clouded spirits of her people, arousing hope in their indomitable, yet almost despairing breasts. If his memory, with that of other heroes of the Alamo and Goliad, was an inspiration to the brave men under Houston at San Jacinto, so his example ought to be inspiring to the youths struggling under difficulties and disadvantages.

When the news of the massacre in the Alamo reached Nashville, Tennessee, the writer well remembers seeing adult men and women shed tears on account of the death of David Crockett. None ever knew him personally, who did not love him; none who were familiar with his public career, that did not admire him. The whole people of the state were then, as now, proud of him.

The canvass for President was then about opening. The Whigs were not slow to take advantage of the universal sorrow of the people on account of the death of Crockett. They charged, that but for the persecuting spirit of the Democratic leaders, Crockett would have been returned to Congress, and that he would then be still living. That was an ever memorable campaign. The orators were able, skillful and adroit on both sides. There were mass meetings, barbecues, etc., in almost every county, processions, and joint debates that were listened to by almost all the people, men, women, and half-grown boys and girls, with intense attention.

The Whigs in all their grand processions, carried a banner on which was painted a monument with this inscription:

"SACRED TO THE MEMORY OF DAVID CROCKETT."

Sometimes there were added the words:

"THE VICTIM OF DEMOCRATIC HATRED."

Orators were often especially designated to deliver eulogies on the life and character of David Crockett. Even in the presidential campaign of 1840, monumental banners like those described, were often seen in the processions of the Whigs.

Crockett continued to live in the affectionate memory of the people of his old district. In 1837 they elected his son, John W. Crockett, to the 25th, and in 1839 to the 26th Congress. Adam Huntsman never again held office by the votes of the people.

The Crocketts, father and son, jointly represented the Hatchie Congressional District ten years (from 1827 to 1841), of a period of fourteen years—the father in three Congresses, the son in two.

The reader who was not living in Tennessee in Crockett's day, will perhaps now inquire why is it that his life and career is so little known in Texas, and his intellectual merits so misunderstood? Why are there so few of his "literary remains?"

During Crockett's life stenographic reports were unknown. For there were then few practical stenographers. No daily paper had ever been published in his State. Sometimes the speeches of such men as Clay, Webster and Calhoun, were printed in full and circulated among the people of all parts of the Union. The reports of speeches delivered in Congress were published, in general, only in part, and then what was novel in statements of facts, in arguments or illustrations. We know little of the substance of the speeches made by John Randolph of Roanoke, save his sarcasms, his effective use of denunciatory English, and his eccentric utterances attributable to his self-inflicted isolation as a man and politician.

Meager were the reports of the speeches made in those days by such men as John Bell, James K. Polk, Aaron V. Brown, Felix Grundy, Balie Peyton, Hugh L. White, Sam Houston and others, who were associates of David Crockett, rulers in their day, leaders of popular thought, instructors in governmental science, and constitutional law.

Every voter in the days when David Crockett lived, at militia musters, at celebrations of Fourth of July, Washington's birthday, and during every canvass preceding general elections, was made familiar with the language of the Declaration of Independence, his patriotic emotions aroused and nurtured, and the achievments of the country's heroes and statesmen rehearsed. On the relative merits of Federalism and Jeffersonian Republicanism, the voter, though he may not have been able to read or write, was fully informed. He was indoctrinated in the principles of the two schools of politics so thoroughly that he could intelligently and honestly arrive at conclusions in favor of one side or the other.

In those times, money was little needed by the average settler, for he had abundance of food, and in the homely phrase often repeated in those days, "he was not beholden to anybody." Hence the striking individuality of the pioneers, and the distinguished courage they displayed in giving utterance to their convictions, and in all practical matters acting in accordance with them. Three maxims creditable to their good sense, and practical bent, were rife among them; viz., "Never judge a tree by the bark;" "Never sneeze because somebody else has taken snuff;" "Be sure you are right, then go ahead." This last maxim, is attributed as originally Crockett's.

Doubtless he often heard it in his childhood, and adopted it. The association of it, in the minds of the people of Tennessee, with his name, wherever spoken, is a monument to his great moral worth more enduring than brass or marble.

David Crockett was educated in civics by his own experiences, by conversation and association with the government founders, and by hearing the great statesmen of his times discuss policies and constitutional law. He arrived at conclusions, had the courage of his convictions, and was a man of action.

His speeches at the hustings and in Congress were always listened to with profound attention. His illustrations, novel and appropriate anecdotes, similes and metaphors, were more fully reported and repeated than his arguments. His anecdotes and sayings were often exaggerated by the penny-a-liners, the context being omitted. Thus the fictions, founded in part upon fact, manufactured by ingenious iconoclasts, of popular favorites, and uttered from the press by enterprising publishers, so distorted the character and career of Crockett, that the present generation in Texas is introduced to him in caricature, and not to his naturally noble self.

Founded upon the fact that Crockett, while in Congress, visited by invitation some of the most intellectual and refined families of the Northeastern cities, an iconoclastic, enterprising scribbler, wrote a book entitled, "David Crockett's Tour to the North and Down East," which was intensely amusing and widely read. It was interlarded with many of Crockett's original anecdotes and sayings, but did his character great injustice, because the writer left the impression that he was extremely awkward in genteel

company, and did not know how to conduct himself there. The book was intended more as a satire upon the glitter and pretenses of fashionable society than as a caricature of Crockett. It was read with zest by all fond of good humored satire. Crockett himself was amused. His friends also enjoyed the satire and the general good humor that pervaded the pages of the book. But none of us suspected that that book of fiction, would be accepted by a future generation as truthful biography.

When Andrew Jackson's popularity loomed up, and demonstrated to the commercial Northeast that it was probable the votes and influence of the pioneers of the Mississippi Valley might sooner or later land him in the White House, the literary iconoclasts of that section of the country opened up their magazines of satire, vituperation and abuse. Their shafts were aimed at the presumed ignorance of the pioneers, of books and of State craft; and especially were they aimed at Jackson, their great leader. It became a fashion with them to exaggerate individiously every feature of opinion on politics, in manners and morals, that distinguished the pioneer from the Puritan. Their compilers of histories for the use of schools, then as now in general, were and are almost as profoundly ignorant of the early history of the pioneers of the valley of the Mississippi as are the Hottentots of the American Indians.*

It was asserted that Jackson, spelled "all correct," "oll korreck," and hence the origin of "O. K." "What right had such a man to the suffrages of intelligent, educated people, in competition with John Quincy Adams, a learned professor of rhetoric in the oldest college in the land," was sneeringly asked by the would be iconoclasts of the great popular idol of the pioneers. Then, "He was a duelist; he declared martial law at New Orleans prior to the battle in defense of that city; he executed Arbuthnot and Ambrister, white fiends who instigated the Indians to massacre the garrison of Ft. Mims; and pursued the murderous Indians across the line of Florida!"

Crockett, an ardent friend and supporter of Jackson, entered Congress in 1827. Such a man as he was, too, a revelation to

*The writer proposes to demonstrate this in future papers upon Alamance and the Mecklenburg Declaration of Independence," "The Cumberland Settlements;" and the "State of Franklin."

the ink-slinging iconoclasts. His wonderful common sense, his modesty and his good humor, which he wielded so powerfully in anecdote and homely aphorisms, attracted attention. They contributed greatly to the defeat of some of the injurious policies advocated by learned collegians. Their effectiveness caused them to be quoted everywhere. They were factors of some importance among the many, that wrought the triumphant election of his then admired friend, Jackson, to the presidency in 1828.

In common with the old pioneers of Tennessee, Crockett always believed that Texas was rightfully a part of French Louisiana, and that it had been improperly abandoned when the Spanish ceded Florida to the United States. Prior to that treaty of cession, many of them had come to Texas. It was not the habit of those old pioneers to abandon what they thought rightfully belonged to them. Hence the early history of Texas records the presence of many of them in that then Spanish (afterwards Mexican) province. Crockett always sympathized with those early settlers. He was an ardent friend of liberty.

Early after the opening up of the Western District of Tennessee to settlement, he emigrated from Lawrence County to Gibson, and settled there when the District was very sparsely inhabited. That division of the State was very heavily timbered. The Obion, the Forked Deer, the Hachie and Loosahachie emptied their slowly flowing waters into the Mississippi; the Tennessee river was the eastern boundary. Bordering all the streams were swampy lands. No region, save the timbered regions of Arkansas, at that time more abounded in wild game than did West Tennessee. In winter, the roads across the rivers were almost impassable. Before the construction of railroads there, turnpikes were built across the swamps and covered with timber (split timber), because of the absence of rocks of every kind, due to the fact that the geological formations are the alluvial and diluvial.

The turnpikes were denominated "corduroy roads," being suggestive of the ribbed surface of a cloth of that name. Crockett, having good humoredly remarked to some one advocating the building of a railroad at the cost of many thousands of dollars a mile, that in his district they constructed railroads at much less expense, the newspaper correspondents so perverted the conversation as to impress many ignorant of Crockett's peculiar,

humorous disposition, that he did not know the definition of a real modern railroad. But the ignorance was on the side of the other party, who had never heard of a common roadway being crossed with rails, as they were in the swamps in Crockett's district. "Corduroy" roads are, to this day, often spoken of as Crockett's railroads.

When Crockett went to the Western District, owing to the fact that the land was heavily timbered, the process of opening and preparing fields for cultivation was laborious and tedious. The settlers lived upon the products of the chase. All became zealous hunters. Crockett was one of the most successful and noted among them. In defense of their cattle, their pigs, poultry, corn crops, and beehives, they had to make active warfare upon the wolves, the bears, the foxes and coons. Every man among them owned a single-barreled, flint-lock, Tennessee rifle (percussion caps were then unknown), which he learned to wield with accuracy, and if it proved an accurate shooter, and reliable in fire, rarely flashing in the pan, he cherished it with an affection often not less profound than that which he had for his wife or sweetheart. He who could never "hit the center of the bull's eye" at a shooting match, nor win beef when put up as a prize, had never killed a deer or bear, after a residence among them for a year or two, was regarded as a very unpromising man, and incapable of earning a livelihood. If such an one came among them, who was a college graduate or learned in the three R's, he was considered as having an unfinished (?) education, and was advised to go to school teaching—for which they were very willing to employ him, shoot deer and bear for him to eat, and pay any balances due him for tuition in peltries or homespun cloth—or to leave the country.

Crockett's good sense, his loving, neighborly instincts and his prowess as a hunter, made him popular; hence he was elected to Congress three times, and, but for the unfortunate split in the Jackson party in Tennessee, and his siding with the opposition as already stated, Adam Huntsman could not have defeated him in 1835.

In the year 1829, when he stood for re-election to Congress his opponents were A. R. Alexander, a prominent and business citizen of Shelby County, Joel Estis, of Haywood, and James H. Clarke,

of Tipton, all able men. The writer well remembers, though then but a boy, how great was the popular interest in Nashville in the result. The triumph of Crockett created much talk. When he arrived in that city en route to Washington, everybody wanted to see him, shake hands with him and congratulate him, save a few, who, more learned than he, thought they should be sent to Congress. My boyish curiosity to see him was gratified for the first time in Nashville in the Presbyterian Church, which he attended at the morning service. He was sitting in the family pew of Mr. Geo. Crockett, one of the leading merchants and a respected citizen of the city, who was of Scotch-Irish descent, and proud of the presumed fact, that he and his guest were descendants of the clan of the Crocketts in the old country. I was in the pew immediately in front. My admiration of his character engendered by what I had heard of him, and my childish curiosity, got the better of the politeness I had been taught, and I turned around and looked at him steadily until with a nod and a smile, he indicated that he was more amused than offended. I have never forgotten his face and that smile on that occasion. In the *Confederate Veteran,* published in Nashville by S. A. Cunningham, of June, 1894, appeared a beautifully printed engraving of a photographic copy of a portrait of Crockett, that must have been painted about that time, for it recalls his features, his dress, the high collared coat, fashionable then, his handsome face, high forehead, moderately long hair—then also fashionable, and that benevolent, good humored expression, that those who ever saw him can never forget. I often saw him afterward at church and on the street.

Immediately after I first saw the statement about Crockett above quoted in a School History of Texas, I wrote a letter of inquiry to my friend, Capt. William L. Foster, then residing at Fort Worth, and since deceased, as to his recollection of Crockett, knowing that he was a son of Senator Ephraim H. Foster, who was an intimate friend and associate of Crockett and often entertained him. Capt. Foster (who was five years older than myself) replied: "I remember David Crockett well and always with pleasure. He was very often a guest of my father, always a pleasant, courteous and interesting man, who, though uneducated in books, was a man of fine instincts and intellect, and

entertained a laudable ambition to make his mark in the world. He was a man of a high sense of honor, of good morals, not intemperate in drinking, nor a gambler. I never saw him attired in a garb that could be regarded as differing from that worn by gentlemen of his day—never in coon skin cap or hunting shirt. He acquired his reputation as a successful hunter after he removed to West Tennessee, where for several years the settlers had to depend upon wild game for their chief article of food."

I resided for twelve months (1843-4) in Gibson County, Tennessee, while his widow was still living there. I became acquainted with his son, Hon. John W. Crockett, who had finished his second term in Congress, and having voluntarily declined a canvass for re-election, was about to embark in business as a commission merchant in New Orleans, and afterward settled in Memphis. I mingled with his old associates, who loved to talk about him, his noble qualities of head and heart. One, a Mr. McLaurin, an ex-sheriff of the county, was an intimate friend of his, and had often hunted and competed with him in shooting matches. He claimed to be a better marksman than Crockett, having once beaten him in a shooting match when the prize was $500, but admitted that he was not as successful a hunter.

Many stories vouched for by thoroughly reliable men of Crockett's success as a hunter, were told to me. One was this: While Crockett was hunting in the wilds of Obion County, where there were numerous "land cracks" made by the earthquakes of 1811, overgrown with pea-vines, he wounded a large bear, which fled to and went down into one of those land cracks. Crockett pursued the bear into his lair, descending by straddling with a foot on each side of the crack, killed his game and brought it to the surface.*

I saw many of his old associates' eyes fill with tears when the story of his death was alluded to.

During Crockett's congressional career, the *Congressional Globe* and the *Congressional Record* had not been inaugurated. For whatever else may be extant of the utterances of Crockett while in Congress, may perhaps be found in *Niles' Register*, which published partial reports of congressional debates.

*A parallel of the story of General Putnam and the wolf, I believe never before in print.

For many years I had a copy of Crockett's circular letter to his constituents, giving his reasons why he could not longer support Jackson's policy. In that letter he laid especial stress upon his reasons for objecting to the removal of the deposits, tne "Specie Circular," and the preference of Jackson for Martin Van Buren (the spoilsman) for the presidential succession. It was written in good and forcible English, and was evidently of his own composition. I regret that it has been misplaced.

So many inquiries have been made of me about my recollections of David Crockett, at the expense of brevity, I have thought it proper and fitting to tell all that I know and remember about him, that his fame and career may be rescued from the damaging influence of erroneous impressions, perverted traditions and history. Cut out of life in the full vigor of healthy manhood, when his experiences in contact and sometimes in contest with many men of affairs and action, and political fame, had ripened him into a statesman of more than mediocre merits, his many friends in Tennessee shed tears of sincere regret over the defeat of that greatness of achievement they prophesied of him when he came to Texas.

They have, in Tennessee, erected or are erecting four monuments to his memory—one in Lawrenceburg, one in the capital grounds in Nashville, by which stands growing a tree transplanted from the yard of his old home in Lawrenceburg, one in Dandridge, and a fourth at Alamo, Crockett County, which includes his old Gibson County home.

The whole people of his native State cherish the memory of his goodness of heart and nobility of soul, his laudable ambitions and aims, his heroism, his patriotism, his honesty of opinion, his courage in expressing and advocating his convictions. In the memory of all Tennesseans familiar with the earlier history of their State, John Sevier, the great Indian fighter of the Nolichucky Valley, one of the heroes of King's Mountain, the founder of the short-lived, independent State of Franklin, and the first Governor of Tennessee; Andrew Jackson, one of her first Senators in the United States Congress, her first citizen who ever occupied the presidential chair, and her greatest military leader and genius, and David Crockett, form a trio of great men, whose careers typify the characteristics of the people among whom they lived

and acted, and by whom they were trusted and honored, and distinguish the several epochs in which they lived, and the conditions and sentiments of the people and parties they severally represented. Though while living Sevier and Jackson sometimes warmly differed on questions of policy, and Crockett bitterly opposed Jackson's financial policy, the partisanism engendered thereby is totally disregarded by the people whose history they adorned, and who now unanimously accord them greatness of soul, grandeur in achievement, and unselfishness of purpose.

Though David Crockett's substantial achievements as a soldier and statesman while he was living were not so great as those of John Sevier or Andrew Jackson, yet there was more of greatness, of moral achievement in the manner of his death. For, "What greater can a man do, than to lay down his life" that others may be free?

BATTLE OF SHILOH.

BY T. M. HURST.

[Read before the Tennessee Historical Society.]

In the evolution of civilization and the progress of human government, wars have been necessary. By them the genius and energy of the ages have been aroused, and with the blood of human sacrifice nations have been made great. Every great war has had one decisive battle in which a contrary event would have essentially varied the drama of the world in all its subsequent scenes, and these battles have for men an actual interest, both in the investigation of the chain of causes and efforts by which government has reached its present standard, and in speculation on what probably should have been if any one or all of them had come to a different termination.

In studying these battles or any of them in all of their reaches, it is probable that we would not all agree in the details that lead to nor the effects that followed them. Different minds will naturally vary in the impression which particular events make on them, and in the degree of interest which they reflect on the importance of the principles involved and watch the career of the men engaged in them.

These battles that mark epochs and form new outlines of history are always fought in obscure places that live only in history because they are the altar places on which men gave up their lives for the perpetuation of an idea; because they are the places where some current of fate is turned back, and where new impulses originate.

The culture of Athens stands between us and the Asiatic despotisms that rise before us through the twilight of primeval history, dim and indistinct, but massive and majestic like mountains in the early dawn, but back of Athens lies the crescent plain of Marathon with its Miltiades and his vanguard of European liberty

making possible the intellectual splendor of the age of Phidias and Pericles, and that secured to the future the growth of free institutions, the liberal enlightenment of the Western world, and the gradual ascendency of the great principles of European civilization. When Calimachus laid down his life on the coast of Attica, he reared a monument of fame that will live in song when the mound and columns of Marathon are leveled in the dust, and when the golden mantle of Pallas Athenae rests in the forgotten archives of everlasting oblivion.

The backward thoughts of every lover of the beautiful delight to linger in and around Athens, but it is the heroic achievements of the Spartan three-hundred in the wild Thessalian Mountains that fire the patriotic heart and incite to deeds of heroism the lovers of freedom and liberty in every age.

The English student regards with pleasure the growth of English ascendency, and points with pride to English achievement in all that tends to make nations great, but back of English greatness lies the field of Hastings, which determined the course of English history for centuries, and marked the beginning of a decisive future for the English-speaking people. The field whereon was begun the building of new nations, capable of every form of action from the union of Norman and Saxon thought, that afterwards gave to the world the Magna Charta, and sent out influences that will still be felt in determining the course of the world long after the valley of the Amazon shall be more thickly inhabited and better known than to-day is the valley of the Danube.

For centuries the culture and energy of England have congregated in London, and the fashions and art of France have sought an abiding place in Paris, but on the open plain near the village of Waterloo was fought the great battle that made a new map of Europe necessary, and that gave to the nineteenth century the history that shall outlive the British Museum or the towers of Notre Dame.

When the crumbling walls of feudalism shook medieval Europe from center to circumference there came a Western tidal wave that landed the Puritan and the Cavalier on the strange shores of an unexplored continent, and left them there charged with the task and duty of building a new government that should demon-

strate the practicability of triumphant Democracy—a government broad as humanity and comprehensive enough for every human interest wherein the fullest development of a cosmopolitan citizenship would be possible, and whereby every man could be made a peer and any man might enjoy the possibilities of kingship. Not a government for the Puritan alone, nor yet for the Cavalier, but a broader, higher government in which should be blended the good in Puritanism with the heroism of chivalry, both merging with whatever else is noble in man into a comprehensive citizenship whose history is yet to be written.

This work was taken up and prosecuted under difficulties, and with conflicting differences of opinion that grew as it progressed until they finally culminated in the great Armageddon of the Western hemisphere—the battle of Shiloh. The decisive battle in which were centered the vexing differences and by which were determined the conflicting issues of this new civilization—a battle that shall be catalogued along with Marathon, Chalons, Hastings, Blenheim, Pultawah, Valmy and Waterloo.

When the time had fully come for the baptism of fire and blood that were necessary for the blending and remolding of the nation, and when the uniformed hosts under flaunting banners stood ready to do the bidding of the god of war, they were not marshalled at Castle Garden nor in the streets of the National Capital, nor yet at the Golden Gate; neither were they deployed along the restless shores of the great lakes or called to bivouac under the perfumed orange groves down by the Gulf, but amid the scrubby oaks and the broomsedge of the quiet woods in the midst of which nestled a spireless meeting-house whose name will live in history when the flaring electric light flickers and grows dim in our Broadways, and when the twenty-story buildings crumble in our bustling State streets. They gathered at Shiloh!

In presenting a paper covering a study of this greatest of modern battles, I am not unmindful of the fact that it has been the subject of more animated discussions than have been indulged in on account of all the other battles of the war of 1861, and in naming it as the "greatest battle," my estimate is made up from what I conceive to be its relative influence on future history rather than on the number of men engaged or the heavy slaughter that resulted. More men met on other fields during our war,

and they fought longer and sustained heavier losses of human life, but these battles were all either preparatory to or confirmatory of this decisive struggle at Shiloh.

Neither is it the purpose of this paper to name the hero of Shiloh nor to undertake to settle the controversies concerning the generalship of any leader in that battle, nor to give credit to, nor bring a charge against any man for the part he took in it, but to deal with the battle as it appears to me from a study of the incidents that lead up to it, and to its general final result.

When the first gun was fired, General Grant was several miles away from his army on an opposite bank of a river, and the army of General Buell had not yet made the expected junction with Grant's army. At the close of the first day the Confederate army rested where the Federal army had slept the night before, and General Albert Sydney Johnston had fallen in the vanguard of an advancing host. At the beginning of the second day, a part of Buell's army had reached the field, and at the close of the second day, General Beauregard was leading the Confederate forces southward. In these facts one man sees the surprise and defeat of Grant, another sees an unnecessary and reckless daring that cost the life of Johnston, another sees the lack of generalship on the part of Buell, and still another sees in Beauregard an absence of the military prowess that brings success out of aggressiveness, and that might have changed the general result and thereby given to the world what is now an impossible history. Like all decisive battles, this battle seems to have turned on accidental or providential incidents that are apparent only to the student of war. These accidents, if you call them by that name, are left to your own study.

No matter how varied our differences concerning the incidents of the battle, or the wisdom of the generals who led its contending forces, we must agree that it was a conflict of heroes whose valor was only equalled on other American battlefields. The victorious soldier is not always the bravest, nor is the successful general necessarily possessed of the greatest military tact. Catiline was as brave a soldier as Leonidas and a much better general. Alvas surpassed the Prince of Orange in the field, and Suwarrow was the military superior of Kosciusko. But, a just comparison of American generalship is not possible to an American, and there

are no grades of heroism among American soldiers. American soldiers are all heroes. The men of Shiloh were Americans all, and the unmarked resting place of the man in gray, and the terraced tomb of his brother in blue testify alike to the unflinching heroism of American soldiery, and the man who would dare snatch from either a single laurel is a coward and an ingrate.

Leaving the military course pursued by each of the generals at Shiloh to the just vindications and criticism of history I venture to take advantage of this opportunity to settle one question concerning General Grant that has been the source of much controversy—the charge of drunkenness. General Grant was not under the influence of any intoxicant, either at the beginning of, or at any time during the battle. On this point I simply beg to submit and file with this paper the following letter from a resident of this city in reply to an inquiry on the subject:

Corner Spruce and Demonbreun Streets,
December 6th, 1892.

Mr. T. M. Hurst:

DEAR SIR: Your letter of inquiry concerning "General Grant's physical condition the morning the battle of Shiloh began" was received several days ago. You will please pardon my seeming negligence, and accept my assurance, gladly given, that on the date mentioned, I believe General Grant was thoroughly sober. He was at my breakfast table when he heard the report from a cannon. Holding untasted a cup of coffee he paused in conversation to listen a moment at the report of another cannon. He hastily arose saying to his staff officers: "Gentlemen, the ball is in motion, let's be off." His flag ship (as he called his special steamboat) was lying at the wharf, and in fifteen minutes he, staff officers, orderlies, clerks and horses had embarked.

During the weeks of his occupancy of my house he always demeaned himself as a gentleman; was kind, courteous, genial and considerate, and *never* appeared in my presence in a state of intoxication. He was uniformly kind to citizens, irrespective of politics, and whenever the brutality to citizens, so frequently indulged in by the soldier, was made known to him he at once sent orders for the release of the captives or restoration of the property appropriated. As a proof of his thoughtful kindness I mention that during the battle on Sunday he wrote and sent to my mother

a safeguard to prevent her home being used for a hospital. Yielding to the appeals of humanity she did, however, open her home to the wounded and sick for three months in succession, often administering to their wants and necessities in person. In such high esteem did General Grant hold such magnanimity, under the most aggravating circumstances, that he thanked her most heartily, assuring her that considering the great losses and gross indignities she had received from the soldiers, her nobility of soul was more to be admired than the fame of a general leading an army of victorious soldiers.

On one occasion he asked to be introduced to my mother and family, saying: "If you have no objections to introducing me, I will be much pleased." I replied: "Not because you are a great general, but because I believe you to be a gentleman I will introduce you to them unhesitatingly. In deference to the fact that I was a Southern lady with Southern proclivities, he attired himself in a full suit of citizen's clothes, and touching himself on the shoulder said: "I thought you would like this best," evincing delicate courtesy and gentlemanly instincts of which the honors of war, nor merited promotion had not deprived him.

I feel that it is due the surviving members of General Grant's family to mention some evidences of his greatheartedness as shown in kindness to Southern people. "Military necessity" was not to him a term synonymous with unlicensed vandalism or approval of terrorism. He was too great and too true to his manhood to be fettered by prejudice.

I am pleased that I can give these reminiscences of a man who as a soldier and statesman received and merited the homage of a nation—for they are testimonies of his inner life and innate characteristics, worthy to be recorded with the magnanimity of "kingship over self" as manifested on the day of General Lee's surrender.

Respectfully,

(Signed) MRS. W. H. CHERRY.

And, also the following from Colonel Douglas Putnam, of the Ninety-Second Ohio Volunteer Infantry, who accompanied General Grant in the battle as a volunteer aide, and who now lives at Ashland, Ky. Writing under date of January 15th, 1892, he says: "I was with him—in fact rode by his side during the fore-

noon and until 2 p.m., on Sunday, when I gave up my horse to Lieutenant Col. McPherson, then Chief-of-Staff of General Grant, whose horse had been shot under him. I saw General Grant several times during the evening and next morning, and staid on the Tigress with him that night, and it now gives me pleasure to state again, as I have repeatedly done before, that the charge that he was in any manner or degree during any of that time under the influence of liquor is wicked and unfounded, as well as absolutely false. It was so cruel under the circumstances that I knew it caused as noble and true a heart as ever throbbed to bleed. In fact so great was his feeling, that strong and grand as was his character, on one occasion sometime after, he broke into tears, and told a circle of devoted friends that he should end his military career then and there by tendering his resignation. They persuaded him not to do so, and when his decision was finally made he said: "I have tried to do my duty, and I believe that history will do me justice." But, this is only a personal diversion that carries with it a vindication that will, no doubt, be welcomed by every true American heart."

The causes that brought about the war that gave to history our Shiloh are familiar to every American citizen, but a study of the movements that brought the two armies together there has perhaps been undertaken by but few of the present generation.

The fact that we are not a military people is seen in nearly every movement made by either army during the first few months of the war, but as war preparations progressed, and as the magnitude of the struggle became apparent, the military genius of the contending forces in seeking strategic points developed a leadership on both sides that compares favorably with the military leadership of nations trained to war.

Much speculation and criticism have been indulged concerning the first line of battle drawn up by the Confederate authorities in the Southwest, some taking the position that the line should have been an aggressive line drawn further north, thus forcing the fight into Ohio and Indiana, while others are of the opinion that the line should have been drawn as far south as the Memphis and Charleston Railroad, and made a defensive line with the view of controlling the lower Mississippi and protecting the states actually and actively in the Confederacy. But it is not the purpose

of this paper to settle these mooted questions, but to deal with things as they were.

A Confederate line with its right wing resting on Covington, Ky., and extending westward to cover St. Louis, Mo., would have materially changed our war maps, and perhaps our national history, while a line resting its right wing on Knoxville, Tenn., and its left on Memphis, Tenn., might have been made more effective as a line of defense; but in speculating on either of these possibilities we should remember that between these two extremes lay the three states that made possible the perpetuation of the union of states. Kentucky, Missouri and Tennessee did more to save the union than any other ten states in the great Federation, and if blame attaches to particular states for the fall of the Confederacy, or if glory accrues to them, history will place a large portion of it to the account of this trio that nestled around the junction of the Ohio, Cumberland and Tennessee and Missouri rivers with the Mississippi river. These were the three stones that supported the arch. Within the radius of this territory was the key to the situation, more important than Washington or Richmond. Here the decisive battle must be fought, and to the victor in this battle was to be given the control of the country.

Preparatory to this battle, the Confederate line was actually drawn from Mill Spring, Ky., via Bowling Green, Donelson, Henry and Columbus on to Pea Ridge, Ark.

At the beginning of the year 1862, General Beauregard was in Virginia, General Zollicoffer was in Eastern Kentucky, General Albert Sydney Johnston was at Bowling Green, Ky., with a part of his army under General Buckner at Ft. Donelson, and another division of it under General Tighlman at Fort Henry, and still another division of it under Major-General Polk at Columbus, Ky., guarding the Mississippi river at the great iron banks. General Van Dorn was at Van Buren or Pocahontas, Ark.; General Bragg was at Pensacola, Fla., and General Pope was somewhere in Missouri. Up to this time there had been no fighting in the South and Southwest, and neither army had been thoroughly organized, the Confederate army especially being then in process of organization and equipment. Late in January General Beauregard was sent to the assistance of General Johnston, and on the 4th day of February, 1862, they met for the first time at Bowling

Green, Ky. General Buell was at this time marching southward from Louisville, Ky., and was only forty miles north of Bowling Green. General Grant was at Cairo, Ill., preparing to move on Henry and Donelson, and General Halleck was at St. Louis with a general oversight of the movement of the Union troops in the Southwest. Three days after the first meeting of Beauregard and Johnston, Fort Henry fell into the hands of the advancing Union hosts, and on the 11th day of February, the Federal army moved towards Fort Donelson. Then began the great movements of two tremendous armies that culminated in the battle of Shiloh. On that same night, General Johnston evacuated Bowling Green, and on the 13th day of February took up his headquarters in Edgefield, Tenn. On the nights of the 15th and 16th, Fort Donelson fell, and in a few days afterwards the movement of the Federal army began with the Memphis and Charleston Railroad, near Iuka and Corinth, Miss., as the objective point, with the expectation of separating the two wings of the Confederate army and fighting them in detail.

On the 23d day of February, the rear guard of General Johnston's army left Nashville by way of Murfreesboro, Tenn., and Stevenson, Ala., for Corinth, Miss., and on the 25th day of February, General Polk left Columbus, Ky., to form a junction with Johnston at some point on the Memphis and Charleston Railroad. Four days before this, calls had been made by the Confederate authorities on the governors of Tennessee, Alabama, Mississippi and Louisiana for from 5,000 to 10,000 men each and the plantation bells, church bells, andirons and candlesticks of the South were rapidly converted into belching messengers of death. Men armed with a medley of small arms wholly unadapted to war, and men without uniform or drill were hurried to the scene of action. The divisions of Polk and Bragg and Pope and Van Doren were directed to a common center, and it was soon apparent that the great battle of the Mississippi Valley was shortly to be fought somewhere near the line that divided the states of Tennessee, Alabama and Mississippi.

The Union army with a fleet of 167 vessels, excelled only in number by the Spanish Armada, and in tonnage by no flotilla that ever broke the foam, was plowing its way up the Tennessee river, which was then full to overflowing, and General Buell was march-

ing westward with an army of 60,000 to 80,000 men to form a junction with this army on the west bank of the Tennessee river at Hamburgh, Tenn.

There is nothing in American history that compares with this fleet that carried the Federal army up the Tennessee, and yet history has made no record of it so far as I have read. The student staggers in wonder at the stupendous proportions of the royal navy and the Spanish Armada under the leadership of Lord Howard and the Duke de Medina Sidonia, but, perhaps he has never been told that in our own late Civil War there gathered in the beautiful Tennessee river a grander spectacle than either of these.

Under the convoy of fourteen men-of-war there came a fleet of 153 steamers, giving the river, when at their moorings at Savannah, the appearance of a grand floating city of splendid palaces. For the benefit of the future student of our history, I take the liberty of copying the names of the boats that composed this fleet, and file the list with this paper as follows:

MEN-OF-WAR.

1. Alfred Robb.
2. Carondelet.
3. Conestoga.
4. Brilliant.
5. Tyler.
6. Lexington.
7. Fair Play.
8. Key West.
9. Undine.
10. Taw Waw.
11. Paw Paw.
12. Peasca.
13. St. Clair.
14. Naumkeg.

TRANSPORTS.

1. Autocrat.
2. Argyle.
3. Aurora.
4. A. McDowell.
5. Alex Scott.
6. Anglo-Saxon.
7. Americus.
8. Athy Watham.
9. Armada.
10. Adam Jacobs.
11. Belle of the West.
12. Bostonia, No. 1.
13. Bostonia, No. 2.
14. Boston.
15. B. J. Adams.
16. Baltic.
17. Bay City.
18. Ben South.
19. Black Hawk.
20. City of Memphis.
21. City of Madison.
22. Clara Poe.
23. Chouteau.
24. Commercial.

25. Champion, No. 2.
26. Champion, No. 4.
27. Chancellor.
28. Continental.
29. Commerce.
30. Charley Miller.
31. City of Alton.
32. City Belle.
33. Charley Bowen.
34. Crescent City.
35. Clarionet.
36. Coronett.
37. Countess.
38. Diamond.
39. Duett.
40. D. A. January.
41. Dunleith (or Demleith).
42. D. J. Taylor.
43. Evansville.
44. Elenora.
45. Emma.
46. Emma, No. 2.
47. Empress.
48. E. W. Fairchild.
49. Eugene.
50. Equinox.
51. Edward Walsh.
52. Empire City.
53. Emerald.
54. Emlie.
55. Fort Wayne.
56. Fanny Bullitt.
57. Falls City.
58. Forest Queen.
59. Fannie Barker.
60. Golden State.
61. Grey Eagle.
62. Gossamer.
63. Glendale.
64. Gladiator.
65. Hiawatha.
66. Hazel Dell.
67. Horizon.
68. Havana.
69. Henry Fitzhugh.
70. Iatan.
71. Iowa.
72. Izetta.
73. Imperial.
74. Indiana.
75. Jewess.
76. J. W. Chapman.
77. Jno. D. Roe.
78. J. B. Ford.
79. John Taines.
80. J. C. Swan.
81. J. B. Dickey.
82. J. W. Kennett.
83. Jesse K. Bell.
84. John Galt.
85. John Bell.
86. John Warner.
87. J. W. Hailman.
88. J. S. Pringle.
89. Jonas Powell.
90. Jas. H. Trover.
91. Jacob Poe.
92. Liberty.
93. Lady Pike.
94. Leonora.
95. Lewellen.
96. Lancaster, No. 3.
97. Lancaster, No. 4.
98. Lizzie Simmons.
99. Louisiana.
100. Leni Leoti.
101. Masonic Gem.
102. Meteor.

103. Memphis.
104. Manhattan.
105. Mary E. Forsythe.
106. Mussulman.
107. Minnehaha.
108. Marengo.
109. Marble City.
110. New Uncle Sam.
111. Nashville.
112. Nebraska.
113. Niagara.
114. Ohio.
115. Ohio, No. 3.
116. Oriental.
117. Planet.
118. Poland.
119. Prairie Rose.
120. Pink Varble.
121. Phantom.
122. Rocket.
123. Rose Hamilton.
124. Rebecca.
125. Sunny South.
126. South Wester.
127. Saline.
128. S. W. Thomas.
129. Sir William Wallace.
130. Sallie List.
131. Shenango.
132. Spread Eagle.
133. Silver Moon.
134. Sunshine.
135. Scioto.
136. Silver Wave.
137. St. Clair.
138. St. John.
139. Sam Orr.
140. Telegram, No. 3.
141. T. L. McGill.
142. Tecumseh.
143. Tycoon.
144. T. J. Patton.
145. Tribune.
146. Tigress.
147. Umpire.
148. Universe.
149. Wisconsin.
150. Wildcat.
151. White Cloud.
152. Westmoreland.
153. Yorktown.

The Lexington and the Tyler were the first gunboats that went up the Tennessee river. The Tigress was General Grant's flagship, and as he went down the river bank to embark on Sunday morning, April 6th, he was leading with his own hand the cream colored horse that he rode on the field that day. This statement is made from memory. History records General Grant as using crutches at the time.

The Henry Fitzhugh was the first boat to carry wounded Federal soldiers back from Pittsburg Landing, and as she came steaming around the bend above Savannah that dreadful Sunday with one of her smoke-stacks literally riddled with cannon balls, she presented an appearance quite in contrast with what

she had shown but a few days before. In this great fleet but one boat, The Glendale, had on it a calliope.

While at Savannah, Governor Harvey, of Wisconsin, who was visiting officers in the 16th Wisconsin Regiment, stepped from the steamer Demlieth into the river and was drowned. But these are only incidents remembered by a boy. Please pardon their indulgence.

After the fall of Donelson, General Grant had for some cause been relieved of his command, and during this time the Federal army under General C. F. Smith had reached Savannah, and disembarked to await the arrival of General Buell, the 46th Ohio Volunteers, under Col. Thomas Worthington, being the first to disembark, which was done without orders, and for which this officer was afterwards tried by a court-martial. On the 17th day of March, 1862, General Grant resumed command and took up his headquarters at Savannah, General Wallace then being at Crump's Landing, four miles above and on the west side of the river, and General Prentiss being still farther up,—at Pittsburg Landing, on the west side of the Tennessee, and separated from General Wallace's Division by the backwater then standing in Snake and Owl creeks, while the Confederates' armies were being marshaled at Corinth, Mississippi, which was only twenty-eight miles away from the headquarters of General Grant.

The first day of April, 1862, found the armies occupying these respective positions, with General Buell moving from Columbia to join General Grant, and from these conditions have come more severe criticisms than grew out of any other battle of our Civil War. General Buell has been severely criticised because he consumed all the days from March 15th to April 6th in moving his army a one-hundred miles; General Grant has been severely criticised for allowing his army to "lay for two weeks and more in isolated camps with a river in its rear and a hostile army, claimed to be superior in numbers, twenty miles distant in its front, while the commander made his headquarters and passed his nights nine miles away on the opposite side of the river, leaving his army with no line or order of battle; no defensive work of any sort; no outposts and no avenue of escape by retreat."

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General Johnston has suffered criticism because he did not move forward and strike and crush Grant before Buell could possibly come to his assistance, and General Beauregard has been mercilessly criticised because he did not press the battle to a decisive termination on Sunday after he learned of the death of General Johnston.

All of these criticisms rest, no doubt, on what seem to the critics to be good grounds, but every one of them may be materially modified when the facts are understood.

Up to this time the Confederate army in the southwest had not been aggressive, but simply defensive. The Federal army at and near Savannah occupied about the same position in which General Grant found it when restored to his command. General Grant had good reason to expect General Buell any day after he took up his headquarters at Savannah, while General Buell might plead bad roads, high waters and the absence of a proper engineering corps as the cause of his delay, and this same plea might avail for General Johnston. Men who were with him at Corinth, Mississippi, are living in Nashville to-day, and they can testify as to the almost impassable condition of the roads on the 1st to the 6th days of April, 1862.

The critic on a cushioned seat by his own fireside scanning the map of a battlefield may move an army with much greater ease and rapidity than can the best trained general at the head of his column in muddy weather with incessant rains and swelling watercourses interfering with, and obstructing his plans. If the rains, muddy roads and high waters had all been east of the Tennessee river from the first day of February to the first day of April, 1862, the attack and defeat of General Grant might have been accomplished before General Buell left Nashville; while if the rains had all fallen south and west of the Memphis and Charleston Roads during the time, there would perhaps have been no battle of Shiloh; but neither of these things happened. The rains fell then on the just and the unjust alike, just as they always fall. If the unknown boy had led Grouchy instead of Blucher to the field, or if it had not been for the Ohain road, or if something else had not happened that did happen, Napoleon would never have been the monarch of Elba's Isle; but because of these "ifs," history will continue her efforts

to record these things as they were, regardless of the finespun theories of a thousand unepauletted generals with deploying brigades of vision-made soldiers moving on every hill top and in every valley.

The battle of Shiloh was not fought on the 2nd day of April, 1862. General Johnston did not move forward and crush General Grant's army before Buell came up, but he no doubt moved as early and as rapidly as he could move under the circumstances, and this brought on the battle, April 6th, instead of at an earlier day. General Johnston did his best and he did well for his cause and his heroism will be honored as long as heroism has an advocate and self-sacrifice has a votary. Mr. Davis says that in the fall of Johnston the great pillar of the Southern Confederacy was crushed, and beneath its fragments the best hopes of the southwest lay buried.

A combination of circumstances that could not be wholly controlled by Grant and Johnston and Buell and Beauregard, brought together in deadly conflict these powerful armies which for two entire days stubbornly and bravely contested every point involved and the fact that these noble men made such determined resistance, argues that the victory was in no sense an easy one to the victor.

The purpose of this paper is not to recount the details of this battle. These are familiar to many a living soldier whose closest friends sleeps to-night on the quiet hills of Shiloh, and through these living heroes, to their children, they are familiar to the student of American history, and they lie open to all of us in every library in this country. And yet there is a temptation that almost leads me to indulge in recollections of incidents as they were impressed on the mind of a thirteen-year old boy by the fire and blood of that terrific tragedy—that necessary conflict of brothers. But, I suppress the wild staccato of the blazing musketry that still rattles in my ears, the sullen roar of the thundering artillery and the weird music that broke the silence of Sunday night and drawing the curtain over the dead and dying I spare you.

Neither do I enter into lengthy reflections or speculations concerning what might have been. If allowed to indulge in such a course I would feel disposed to ask why Generals Grant

and Johnston should have been the subjects of such violent criticisms from the house of their friends on the eve of this impending crisis, and then I should try to find some satisfactory answer. As is stated in this paper, General Grant was relieved of his command by the Federal authorities after the fall of Donelson, and left at Fort Henry, while it is a fact that about this same time a committee headed by G. A. Henry of Tennessee was actually in Richmond demanding the removal of General Johnston, who was protected in his place largely by the friendship and confidence of Mr. Davis, who said to the committee "If Sydney Johnston is not a General, the Confederacy has no generals." But I leave even these curious, yet important facts for the study and speculation of those who are interested in them.

My object is to call attention to Shiloh as the decisive battle in a war that has no historic parallel, and to leave you to study its details, if you choose.

Other wars have settled the disputed questions of possession, or the right of possession of territory claimed by the different nations; they have settled questions of religious and political expansions whereby one sect or nation was made greater while the other was extinguished as a civilizing or controlling force, but no other great war has been fought by a great people among themselves for a great country in order that they and their country might be made greater.

The miracle and marvel of history! One great people with one great country, moved by one controlling idea, but simply differing as to methods, pass through the greatest fratricidal war the world has ever known, and come out still one people with one flag, one patriotism and one country, only with an enlarged plan for the future, and an intensified devotion to popular free government.

Shame on the man who dares impugn the motives of the hero who offered his life a sacrifice on the altar of the Southern Confederacy, and cursed be he who would tear a single star from the grand banner that hangs its protecting folds to-day over 65,000,000 of free and happy people!

LETTER FROM DR. J. G. M. RAMSAY.

(On the expulsion of William Blount from the Senate of the United States.)

Mecklenburg Place, Knoxville, Tenn., February 14th, 1876.

To His Excellency, James D. Porter, Governor of Tennessee, Nashville:

DEAR SIR: I have received your esteemed favor of the 9th inclosing to me the letter of Judge Robertson of New Orleans and also an extract from the "*New Orleans Times*" of the 3rd of February, 1876. These papers I have carefully read and have given such examination as their importance seemed to demand; and now at your polite request, hasten to reply to them, with such minuteness and accuracy as time and the means at my command authorize and enable me to do.

Every one knows that William Blount, one of the United States Senators from Tennessee, was impeached before that body and expelled from it July 8th, 1797. In your letter you alluded to his vindication as made by his brother Willie Blount—formerly Governor of Tennessee, and referred to in my history of the State, page 702. Unfortunately, that able and impartial vindication, together with all the other Blount papers, executive journal, and correspondence, with which the executor of Governor Willie Blount had generously enriched my large collection of historical, biographical and other material, for my second volume, were all in my office when in September, 1863, my private residence, my office, my extensive historical library, my correspondence, my museum, my manuscripts—all became a prey to the rapacity and incendiarism of a Federal soldier and were consumed together. That vindication was addressed to Richard B. Blount, and the other orphan children and relatives of the deceased Senator Blount. It is to be hoped that copies of it may have been preserved by the filial pity and veneration of some of the descendants of Governor William Blount and may yet become a part of our history.

Governor Willie Blount, the writer of it, was a younger

brother of Senator Bount—was his private and official secretary and was thus associated intimately with him in most of the transactions of his public and private life, and succeeded him in the administration of the duties of Governor over the same people for years. His character for candor, truth and impartiality will be nowhere questioned, and the position of no one could have been more favorable for the ascertainment of all the facts he mentions, or the purposes to which he alludes in his vindication of William Blount. At the time I read it (1852) the document was closely examined and even analyzed in all its bearings—its arguments and its conclusions. It was supported by the most irrefragable testimony. I have had some opportunity in my past life of sifting and comparing contemporary testimony from which to eliminate historical truth and I here declare this vindication by Governor Willie Blount to have been full and complete—not only explanatory in every particular but perfectly satisfactory to myself at the time it was before me. I said at the time "this document covers several closely written sheets and on account of its length cannot here be given." This vindication was never necessary for the good name of the subject of it in Tennessee. Had he lived longer other positions would have been assigned him in the public service; but he was cut off in the prime of life. A plain marble slab covers his remains and points out his grave near the entrance of the burying ground of the 1st Presbyterian church in Knoxville, upon which there is only the simple inscription "William Blount, died March 21, 1800, aged 53 years." *

But apart from this there is other testimony, indirect and inferential only, it is true, but scarcely of less questionable validity. This is found in the condition of our foreign affairs at the period immediately preceding the impeachment of the Senator—the complications springing out of the negotiations of the treaty with Spain in which the interests of France and other powers were more or less involved and culminated not many years after in Mr. Jefferson's purchase of Louisiana from France. These complications had been and were still numerous and various—involving in a serious manner the territorial and commercial rights and interests of the whole people of the West and South—Cum-

*Annals of Tennessee, page 702.

berland, Tennessee, Kentucky, and in a word, all the inhabitants concerned in the free navigation of the Mississippi river. The occasion demanded the services of the wisest diplomacy not less than the caution and self-denial and forbearance of the patriot. These complications cannot be here given at length. A condensed view of them has been attempted in Chapter VI, of the Annals from page 523 to 540, to which the reader is respectfully referred. It is considered not irrelevant to the subject in hand to give a single extract. "During the whole period of political excitement it is worthy of remark and highly creditable to the good sense and patriotism of the people of Tennessee that they were in no case seduced into an abandonment of their rights and duty, nor of allegiance to their own country and fidelity to their republican principles. The masses of them remained true and incorruptible.

"Isolated instances of individual defection did occur. Prominent and ambitious men were found in different sections, sustained, it may be, by here and there a partisan not unwilling to elevate himself at the imminent hazard of the welfare and permanent interest of the country. * * * To estimate properly the virtue, the patriotism, the loyalty, and the republicanism of the Western people, when with a noble disinterestedness and self-sacrificing devotion to the Union, they resisted these artful and powerful appeals to their local and sectional interests, let it be remembered that the several communities to which these appeals were made, had penetrated through a vast wilderness of desert and mountain; that their own courage had expelled a savage enemy; their own rifles had achieved their conquest; their own enterprise had planted and defended their settlements; their own efforts had made their fortunes, provided them a home and the benefit of a simple but stable government; that with little assistance from the older states, almost none from the General Government, the wilderness, under their own industry and culture, 'blossomed as the rose' and that the fertile banks of the navigable streams, in the distant valleys, in whose bosoms they dwelt, were rewarding them with a luxuriant harvest of rich fruits, their own labor, upon their own fields; that the intervention of hundreds of miles and great mountain ranges, insulated them from the commerce of their Atlantic countrymen and that for the products of the whole West, there was but one great outlet to the ocean and to the mar-

kets of the world—the Mississippi river; and that the right of freely navigating that stream, though guaranteed to them, as a result of that revolution which they had assisted to effect and of those victories achieved in part by their valour, was still withheld from them under the vexatious delay of Federal negotiations. Under such circumstances of admitted neglect, disappointed expectations, deferred hope, and accumulated wrong, to remain constant and faithful and loyal to the Union, is a noble and rare instance and evidence of all that is heroic in forbearance, lofty in patriotism, and majestic in national virtue. Western purity remained unseduced by the coquetry of monarchical intrigue and the stern virtue and primitive integrity of the simple-hearted pioneer and hunter, resisted the art and baffled the designs of the diplomatist and the emissary. Such was enlightened public sentiment in Tennessee and the West, during the last decade of the last century. Who were the artificers of this sentiment? The names of a few only of the leaders can be given here. Governor Shelby then of Kentucky, General James Robertson and William Blount and their contemporary patriots in Tennessee. It is of the last one here named, that we will speak. Who was William Blount? He was a native of North Carolina. The name Blount appears frequently in the annals of the proprietary, provincial and colonial government of Carolina. Charles, James and Benjamin Blount were all either civil or military officers during Revolution. William Blount is mentioned as the vigilant agent of his State and the faithful guardian of the interests of North Carolina at the treaty of Hopewell. From 1782 to 1787 he was one of the members from North Carolina of the Continental Congress before the adoption of the Federal constitution. He also was one of the delegates from his State to the convention which formed the constitution. After the cession of her Western territory to Congress by North Carolina, it became necessary to appoint a territorial governor and other officers for the new territory. Several gentlemen of acknowledged capacity and worth were presented to the President of the United States for the appointment of governor. Patrick Henry recommended to him Mr. Mason, of Virginia, but there was an obvious propriety in selecting for this station a citizen of the State which had ceded the territory, and who was presumed on that account to be familiar with the circumstances

and interests connected with and involved in the cession. General Washington accordingly conferred the appointment upon William Blount, with whom he doubtless had become well acquainted, during the session of the convention over which he presided and of which Mr. Blount had been a member. The discernment of the President in this selection was concurred in by all who could appreciate the eminent qualifications of the appointee for the new and responsible duties assigned him. Blount was remarkable for great address, courtly manners, benignant feelings and a most commanding presence. His urbanity—his personal influence over men of all conditions and ages—his hospitality unostentatiously but yet elegantly and gracefully extended to all, won upon the affections and regard of the populace and made him a universal favorite. He was at once the social companion, the well-bred gentleman and the capable officer. He had been often a member of the Legislature of his native State and was well acquainted with the exposed condition of the West, and had been active in ameliorating that condition. Having been a member of the old Congress, of the convention that formed the Constitution of the United States and likewise of the State convention that ratified and adopted it on the part of North Carolina, and also a member of its Legislature in 1789, when the cession was made, of which he was a zealous advocate, his appointment gave general satisfaction. Beside the executive duties devolving upon Governor Blount, there were others of equal importance and of greater difficulty. They arose from his further functions of Superintendent of Indian affairs in and south of Tennessee, embracing the Cherokee, Creek, Choctaw and Chickasaw tribes. These grave and varied duties demanded for their performance great administrative ability, high personal integrity, an indefatigable zeal in the public service and the most unselfish patriotism and public spirit. Throughout the whole of his administration these high qualifications and traits of character were exhibited by Governor Blount, and even admitted by all. At the close of his territorial career in 1796, when Tennessee became a state, a grateful and confiding people elevated him to the United States Senate. Of the convention by whom this election was made, Wm. Blount had been unanimously chosen President, and it had been through his efforts that the convention adopted the 29th section of the

Bill of Rights, viz.: "That an equal participation of the free navigation of the Mississippi river is one of the inherent rights of the citizens of this State; it cannot, therefore, be conceded to any prince, potentate, power, person or persons whatever." This constitutional provision as to that stream was made in 1796, and introduced at the instance and by the efforts of Wm. Blount within two years of his impeachment. A short time after the adjournment of the convention, the first session of the Legislature of the State of Tennessee was held—when Wm. Blount was elected one of the Senators of the Congress of the United States. As was then the custom, "a joint committee was then appointed to prepare an address to Messrs. William Blount and William Cocke, informing them of their being elected to represent this State in the Congress of the United States. Mr. White, chairman of the committee, reported the following address:

"*Citizen William Blount, late Governor of the Territory of the United States:*

"SIR: Impressed with the grateful remembrance of your conduct during the time you were Governor of the Territory south of the river Ohio, now the State of Tennessee, the General Assembly of the said State, in the name of the people thereof, over whom you formerly presided, embrace the earliest moment to testify to you their entire approbation of your conduct and attention to promote their happiness during your continuance in that office, the exercise of which was rendered more difficult and arduous by the frequent inroads of the neighboring nation of Indians. We recollect with pleasure that under your administration we, as a people, have experienced growing energy and increasing power. That your exertions in subordination to the Federal Government have been the cause of the present peace which for sometime past has existed between us and the adjoining Indian tribes and which, we hope, will long exist on the principles you established.

"The Territorial Government being now ended, we will only say in respect thereof, that if the exercise alone of a government, constituted on the principles it was, could render a people happy under it, we should have been so. We rejoice that while the Territorial Government has closed with honor to you, it has left us in a state of prosperity and peace.

"You are now, sir, called by the unanimous voice of a free people to represent them in the Senate of the United States of America—the highest proof in their power to offer of their confidence in your integrity and ability to serve them.

"JAMES WHITE, *Chairman.*"

To this address Senator Blount replied:

"The entire approbation of the people of my conduct in office, by you testified, is the highest reward I could receive. Accept, gentlemen, my thanks for the prompt and warm manner in which you have been pleased to convey it to me. With you I hope that the peace which exists between the citizens of the United States and the Indian tribes will continue; as in peace consist the happiness and prosperity of both parties; and thus impressed it shall be my duty in whatever situation I may be placed, to use my efforts to its preservation.

"I feel, as I ought, the unanimous call of my fellow citizens to represent them in the Senate of the United States—shall devote myself to the promotion of their interests, as far as is consistent with that of the whole body politic of which they are a part.

"Accepting, gentlemen, my best wishes for your individual happiness. WM. BLOUNT."

The election of Blount to the United States Senate and the above proceedings of the Tennessee Legislature on that occasion, I copy without further note of comment, as they speak for themselves.

Agreeably to appointment Congress began its second session of the Fourth Congress, December 5th, 1796, and ended 3d of March, 1797. Senators present from Tennessee, Wm. Blount and Wm. Cocke; Representative, Andrew Jackson. Special session of the Senate for one day being 4th of March, 1797. Present, Wm. Blount. Fifth Congress—First session began 15th of May, 1797, ended July 10th, 1797. Present, Wm. Cocke. Wm. Blount, attended 16th day of May and was expelled 8th of July, 1797. Three days before that time he wrote the following letter dated:

"Philadelphia, July 5th, 1797.

"In a few days you will see published by order of Congress, a letter said to have been written by me to James Carey. It makes quite a fuss here. I hope, however, the people upon the Western

waters will see nothing but good in it, for so I intended it, especially for Tennessee."

The letter to Carey became the platform of proceedings against Senator Blount. The Sergeant-at-Arms of the United States, James Matthews, soon after repaired to Knoxville with the purpose of arresting the ex-Senator and of taking him in custody to the seat of government. After the service of process upon Blount, the Sergeant-at-Arms found it impossible to execute that part of his official duty, which required him to take the accused to Philadelphia. He refused to go. Matthews was treated by the citizens of Knoxville with marked civility and attention. He became for several days the guest of Governor Blount and was hospitably entertained by the State authorities. After some days, wishing to return with his prisoner to Philadelphia, he summoned a posse to his assistance, but not a man could be found willing to accompany him. Whatever foundation there may have been for the impeachment of William Blount, and whatever truth there may have been in the charge preferred against him, there was no one in Tennessee who viewed his conduct as criminal, unpatriotic or unfriendly to the true interests of the State or the West; and all refused to sanction the proceedings against him. The influence of the marshal of the district was either withheld or was impotent amongst the countrymen of Blount. The Sergeant-at-Arms convinced of the fruitlessness of further attempt to execute one part of his mission, started homeward. Some of the citizens accompanied him a few miles from town, where assuring him that William Blount could not be taken from Tennessee as a prisoner they bade him a polite adieu.

Next to Sevier, Blount was the most popular man in Tennessee. He had been identified with her people from the earliest settlement of the country, and his public services had been particularly advantageous to their interests, and had secured their approbation and were rewarded by their confidence, their esteem, and their gratitude. Whatever may have been public sentiment elsewhere, at home he never lost the confidence, nor forfeited the good opinion of his countrymen. An opportunity occurred soon after the impeachment of Senator Blount, in which the people of Knox County and the Senate of Tennessee, demonstrated their appreciation of his fidelity to their interests and of his capacity to

serve them. General James White, the Senator from Knox County, sympathizing in the general feeling, resigned his seat in the Senate of Tennessee. With this resignation the speaker's chair, to which he had been elected and still occupied, became also vacant. The voters of Knox County seized the opportunity and elected William Blount their Senator; and upon its meeting at the called session of December 3d, 1797, the Senate unanimously elected Blount its speaker. And it is a circumstance somewhat remarkable that while that body was acting as a Court of Impeachment, of which Speaker Blount was the President, the United States Senate was at the same time engaged in trying the impeachment against him. (This is probably "the new honor conferred on Blount," as alluded to in the *Times*.)

In the meantime the trial of Mr. Blount progressed.

"Monday, December 17th, 1798.

"The process issued on the first day of March last, against William Blount, together with the return made thereon, were read." The Articles of Impeachment in substance charged that William Blount did conspire to set on foot a military hostile expedition against the territory of his Catholic Majesty in the Floridas and Louisiana for the purpose of wresting them from his Catholic Majesty and of conquering the same for the king of Great Britain. "William Blount did not appear, Tuesday, December 18th, 1798, and Jared Ingersoll and A. J. Dallas asked and obtained leave to appear as counsel for Wm. Blount, and on the 24th filed their plea objecting to the jurisdiction of the court as Wm. Blount was not now a Senator of the United States, and because by the eighth article of the Constitution, it is declared and provided 'that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State or District wherein the crime shall have been committed.'"

January 3d, 1799, Wm. Bayard, in behalf of the managers, filed a replication. To this Mr. Ingersoll filed a rejoinder. January 10th, court proceeded in the debate on the motion, "That William Blount was a civil officer of the United States within the meaning of the Constitution and therefore liable to be impeached by the House of Representatives, and that as the Articles of Impeachment charge him with high crimes and misdemeanors, supposed to have been committed while a Senator of the United States, his

plea ought to be overruled." It was determined in the negative, yeas, 11; nays, 14.

January 14th, 1799, judgment was pronounced by the vice President that, "The Court is of opinion that the matter alleged in the plea of the defendant is sufficient in law to show that this court ought not to exercise jurisdiction of the said impeachment and that the said impeachment be dismissed."

This failure to sustain the prosecution against Mr. Blount and his elevation by his fellow citizens and the Senate of Tennessee to the dignified position assigned him after his impeachment, certify sufficiently that in their judgment he had perpetrated no wrong, inflicted no injury, and purposed no evil, especially against his own State. Had he lived longer, that State would still have confided in and rewarded him further. His services and his ability were never more highly appreciated than at the time of his death. The several offices he had held both in North Carolina and in Tennessee have been already enumerated. In all of them he had acquitted himself with signal ability, zeal and faithfulness. *De mortuis nil nisi bonum.* If he erred in the whole course of a patriotic life, let the error be ascribed to an overwrought devotion to North Carolina and to Tennessee especially. To the special interests of the mother and the daughter he devoted his life, his energies and his character. In the latter especially his memory is still revered and the name of Blount is gratefully remembered, even at the present day. Here he was never censured for the conduct which was made the occasion of the Senate proceedings against him, and his friends, conscious of his good intentions, never to this great centennial period have found it necessary to make a public vindication of his conduct, his motives or his character.

Again, it has been conjectured, with how much plausibility this writer presumes not to assert, that the Articles of Impeachment against Senator Blount were the result of the high political excitement that at the time (1797 and 1798) existed in the Federal Government. Tennessee had then recently adopted her Constitution. Governor Blount had been the President and an active member of the convention which prepared and adopted it; indeed, he himself prepared, proposed and advocated the 27th section of the Bill of Rights, declaring the inalienable right of the free

navigation of the Mississippi. Of this Constitution, Mr. Jefferson has said: "It was the least imperfect and most Republican of the systems of governments adopted by any of the American states." He was already being looked upon and considered as the successor of the then President of the United States and actually did succeed him in that high position, receiving the vote of Tennessee. Mr. Blount was known to favor the election of the Democratic candidate and thus may have subjected himself to the intrigues, the cabals, the party spirit, the factions, clamor and opposition inseparable from a presidential conflict. How is it to-day?

But further, in regard to the aspersion recently cast upon the memory of William Blount: was he ever traduced at home or repudiated in Tennessee? The very name Blount has ever carried with it a talismanic potentiality at our hustings, at our polls and before our voters. A brother of the accused Senator was a few years after his expulsion from the Senate elected Governor of the State and re-elected with a singular unanimity. This was Willie Blount, whose popularity with our masses has rarely been equalled. A son, Hon. Wm. G. Blount, during the administration of his uncle, Willie Blount, became Secretary of State by the vote of the Tennessee Legislature. During this time a vacancy occurred in our Congressional District, by the lamented death of John Sevier, the most popular man unquestionably in the State then or since. Who succeeded him? The son, Wm. G. Blount. His domicile was at Knoxville, the home of his deceased father; returning from Nashville after the resignation of his Secretaryship, he became a candidate for Congress, was elected and became the successor of Sevier. A son-in-law of the expelled Senator, Hon. Pleasant M. Miller, had also been elected a member of Congress at a previous session, succeeding Hon. George Washington Campbell, formerly Secretary of the United States Treasury and Minister to Russia. Mr. Miller was also frequently a member of the Legislature.

Another son-in-law, Edwin Wyatt, M.D., failed only by a few votes of becoming a member of the Tennessee Legislature in 1823, and he almost a stranger. I need not mention another son-in-law, Gen. Edmund Pendleton Gaines, late of the United States Army. And I here aver that in all these political races for office,

State and Congressional, and for places of honor and distinction, involving personal and political antagonisms of every degree of virulence, earnest opposition and invective on the stump and in the public journals of the day, I never heard the conduct of Senator Blount alluded to, his honor impugned, or his personal or political integrity and virtue maligned. In all these periods *magna pars fui.*

Again, at the time of Burr's conspiracy, although he was acquitted, such indignation was felt against him in Tennessee that the seat of justice in Anderson County called in honor of him Burrville had its name changed by Legislative authority and the village called Clinton, the name it still retains. Now, if there had been in 1797 any solid foundation for the impeachment of Blount, the enlightened Board of Trustees of Blount College, thus called in honor of its founder, who were familiar with all the circumstances of the prosecution and trial of the case would not have retained the name of Blount for more than half a century after its incorporation when it had so enlarged its stately proportions and attained such matured growth as to entitle it to the more significant and descriptive name of East Tennessee University, not implying, however, the least disparagement to Wm. Blount or the slightest stain upon his memory. So also of the patriotic county of Blount, whose citizens still delight in, and are proud of the name of their territorial governor. They would feel insulted at the substitution of any other name. And what shall I say of good old Blountsville in that proud Revolutionary county of Sullivan, in the ancient forest of which William Blount opened and held the first court of the territory in 1797?

Had he intended or perpetrated any wrong against the country in 1797 the virtuous and gallant people of that county, the Shelbys, the Gammons, the Andersons, the Rheas and the Deerys, would have demanded another name for their county seat. It is still called Blountville, after the lapse of nearly a century; so also of Barbary Hill, Granger and Maryville named thus for the ladies of Governor Blount's family. These names are still retained as proud remembrances of the culture, taste, refinement and virtues of the woman and lady of the olden time in Tennessee.

Thus much of William Blount and the revival of the aspersions

upon his character. Posterity will do him justice, as a patriot, a wise executive, and a faithful public officer.

I need not say that I sympathize very fully with Judge Robertson in the expressions he uses and the indignation he utters with reference to the "new honors" conferred on Governor Blount by his countrymen and fellow citizens, the pioneers of Tennessee, and after his impeachment. I trust Judge Gayarre does not mean in his letter to the *New Orleans Times* to make any reflection upon the honor, virtue, courage or patriotism of the first settlers of this State. If this were his deliberate purpose in his letter of the 3d inst. it should receive from me nothing but silence and indignation; and if it were not undignified to do so, I would spit upon the imputation and stamp it to the ground. Almost an octogenarian, and having passed my whole life upon this frontier, either with or among those pioneers or their immediate descendants and successors, I only repeat now what I have elsewhere had occasion to say, that from the dawn of civilization and government in what is now Tennessee, the least attentive student of our history will discover that the pioneers and frontier men of our proud State were a remarkable race of men—peculiarly qualified for the high function and novel duty of founding in the wilderness a non-political community and of governing it well; a race whose civic, not less than its martial achievements are worthy of commemoration; a race whose services and sacrifices for the country have been only equalled by its public and private virtues. Trace these men back to their origin and it will be found that they made the first armed resistance to the exactions, injustice and oppressions of the royal governors of the Carolinas and Virginia; and in defense of their colonial rights they became insurgents in our mother colony, armed at Alamance, and on May 16th, 1771, shed the first blood for the enjoyment of American liberty, but were then unsuccessful. Speaking of them, Mr. Bancroft says: "Their complaints were well founded and were so acknowledged, though their oppressors were only nominally punished. They form the connecting link between resistance to the Stamp Act and the movement of 1775; and they also played a glorious part in taking possession of the Mississippi Valley toward which they were irresistibly carried by their love of independence. It is a mistake if any have supposed that the Regulators were cowed down by

their defeat at Alamance. Like the mammoth they shook the bolt from their brow and crossed the mountains."

This defeat of the insurgents at Alamance quelled for a time the spirit of resistance; but the disaffection remained and caused the voluntary exile of thousands of indignant and independent free men to the Western wilds. Remote from the seat of power and free from the oppressions of regal officers Watauga gave its cordial welcome to these honest-hearted and virtuous patriots and here was the cradle of the infant Hercules—Tennessee.

But follow these pioneers further; in the midst of the seclusions of their quiet homes in the wilderness, the refugees find themselves isolated from all contact with any organized government; with no allegiance to any human power or law and without protection; in a word in a State of perfect political orphanage without rulers or legal authority among themselves; they instinctively as it were form an organization of their own which they call the Watauga Association, which is even now considered a model for self-government and from its patriarchal character is admitted to be well adapted to the welfare and interests of a primitive people.

Scarcely is this simple organization completed and in operation when a rumor reaches them that the invasion of an adjoining colony is threatened by a distant hostile tribe instigated as was believed by British emissaries. At once the scenes of Alamance are remembered and a spirit of manly resistance to British oppression burns in the bosom of every frontier man; the military force of the infant settlement is armed and under the command of Captain Robertson, and Isaac Shelby penetrated the rugged and trackless wilderness and made the first armed resistance to arbitrary power in the West or elsewhere. This was the sanguinary battle of the Kanawha, fought October 10th, 1774. And thus early did the Volunteer State commence her novitiate in arms. A year later the pioneer fathers of Tennessee, in full committee, assembled at Watauga and petitioned "the Provisional Council of North Carolina" to annex their district to that province, informing the Council of their Resolves "to adhere strictly to the rules and orders of the Continental Congress and in open committee acknowledged themselves indebted to the United Colonies their full proportion of the Continental expense and of their earnest

wish to share in the glorious cause of liberty." Such are their earnest words and offering for its advancement: "the services of a military force already organized under Captain Robertson to act in the common cause on the seashore."

How were the pledges and resolves of Watauga carried out? Time does not permit a detail of their several campaigns against the enemy and their Tory allies at the Emoree, Pacolet, King's Mountain, or afterward at Wappetaw where Sevier and Shelby joined the camp of Marion with five hundred riflemen from the present Tennessee and drove the British to the very gates of Charleston. It must be sufficient here to say that the soldiery of what is now upper East Tennessee, had rendezvoused at the base of the Appalachian Range, had ascended its summit, had precipitated themselves from those heights to the plains below and had pursued the enemy to the coasts of the Atlantic. They had suffered from the mountain snowstorm and the miasmata of the swamps of the Santee and the Edisto. Toils and marches, watches by day and by night were bravely encountered and endured; and wherever the enemy could be found, his post assaulted, his abattis stormed, the backwoodsmen were there with the spirited charge, the ready rifle, the war whoop to execute sternly the purpose of their mission—our independence and liberty.

From these several campaigns the pioneers of Tennessee returned to their humble homes on Chuckee and Watauga. They came home, bearing no spoils, stained with no dishonor and enriched only by an imperishable fame, an undying renown and an unquestioned claim to the admiration and gratitude of their countrymen and posterity.

The writer holds the memory of these patriot heroes in too grateful veneration not to repel even an implied imputation upon their high honor, the constancy of their patriotism and the majesty and steadfastness of their public virtue. Any such imputation belongs not to Tennessee nor to her pioneers; it contradicts all her past history; it does violence to her very instincts; she repudiates, disclaims and disavows it. An honest fame belonged to them through life; let not their graves be desecrated by a posthumous reproach.

I may not here reply further to the aspersions made by Judge Gayarre against Wm. Blount. But his charge goes further and

mbraces others in Tennessee when he says that Blount was ex-
elled "for having engaged in a conspiracy to deliver New Orleans
nto the hands of Great Britain, although that accusation increased
is popularity in the West and particularly in Tennessee, his
dopted State, where new honors were heaped upon him." In
nswer to these serious imputations, I would address myself first
s to these new honors heaped upon Blount, and second the per-
ons and people who conferred them. After what has been said
lready and the very pertinent remarks in Judge Robertson's
etter in reference to the same point it cannot be necessary for me
o make any prolonged reply. What were these new honors? On
is return from Philadelphia in 1797, ex-Senator Blount was
ordially received at Knoxville and other places by a constituency
hat knew him well and had every confidence in his personal and
olitical integrity and his public virtue. The Legislature of Ten-
essee convened shortly afterward. General James White, the
enator from Knox, had resigned his seat in the Senate and with
his seat in the Speaker's chair.

As has been elsewhere stated the people seized the occasion to
ll the vacancy and elected, it is believed, without a competitor,
Vm. Blount. The Senate unanimously called him to preside in
hat body. When it is recollected who General White was—that
e was a soldier of the Revolution and a pioneer of Tennessee,
ad been in the Legislature of Franklin, Speaker of the Senate
f Tennessee, Chairman of Knox County Court, an elder in the
Presbyterian Church, the father of H. L. White, the Aristides of
he United States Senate, that through a long life of usefulness
nd piety Judge Haywood said of him, "His yea was yea, his
ay was nay always and everywhere"—it was an honor conferred
pon Blount to be his successor. And when further it is recol-
ected that the Tennessee Senate consisted of such members as
General Robertson and other models of patriotic devotion to their
ountry, and since unsurpassed anywhere and at any time, it was
true honor to Wm. Blount to receive the appointment of Speaker
f the Senate by a unanimous vote of its members. Can any one
uppose that these new honors voluntarily and with such evident
pontaneity conferred upon a private citizen without power or
atronage indicated any participation in the guilt or intended
rime of Wm. Blount—especially when that crime was expected to

result advantageously, not to the country of the early settlers of Tennessee, but to Great Britain, the object of their intensest hatred from the defeat at Alamance to the present day? The pioneers of Tennessee need no defence nor vindication from posterity. They stand now as they have always upon an elevation far beyond the reach of any who would traduce or misrepresent them or undervalue their services. No one of them was either a traitor or quasi-traitor, nor one of them a pseudo patriot.

And now I have complied with your request as best I could, though the subject is not yet exhausted. I needed some books for reference, but they are beyond my present reach. Should they be found and contain anything material I may send you something supplemental. I have the honor to be,

Very respectfully,

J. G. M. RAMSAY.

RECOLLECTIONS OF MEMUCAN HUNT HOWARD.

[The paper of Mr. Howard, which follows, was written at the request of Ex-Governor James D. Porter, in 1883, for the Tennessee Historical Society. Although he was then far advanced in years, the manuscript is, throughout, neatly and clearly written, with few erasures and interlineations, only where Mr. Howard wished to add pertinent facts.

On account of the great length of the paper (about ninety closely-written pages), very many passages have been omitted and the language (for brevity) has been condensed. The manuscript gives the names of many early settlers, references to the soil, timber, and water courses of the territory which he surveyed, and will repay an examination by one interested in the settlement of West Tennessee and the disposition of the public lands here.

Mr. Howard was a man of great purity and uprightness. His long life in the woods had given him the quiet and meditative disposition frequently noticed in men who have spent much time alone. The exactness of the skilled surveyor characterized all his business transactions, and is shown in his manuscript, which, written when he had seen more than four-score years, contains hardly an imperfect letter.

His memory should especially be cherished by the citizens of Nashville, for his benevolence to their institutions. Dying in 1887, in Philadelphia, Mr. Howard gave to the Howard Library the sum of $15,000; to the Old Woman's Home, about $11,000, and substantial bequests to the Howard School Library, Fisk University, the House of Industry, the Protestant Orphan Asylum, the Woman's Mission Home, and the Tennessee Historical Society.]

After expressing some modest doubts as to the value of his paper and apologizing for possible inaccuracies, Mr. Howard's paper begins:

I was born on the 14th of December, 1798, in Granville County, North Carolina, and at the age of twelve years, or thereabout, was taken from school and put into a country store, about a dozen miles from home, where I was to get no wages, but my board only with one of the two proprietors of the store in which a general assortment of such dry goods and groceries was kept as was usual in such establishments; including apple and peach brandy, which were in as active demand in a retail way as any article on hand; especially once a month. On Saturdays what were called warrant tryings—magistrates' courts where small debts were adjudicated—took place, at which the neighboring people would congregate and often indulge in drinking and sometimes in quarreling and fighting, thus making a most unchristian Sabbath eve, extending sometimes into the ensuing night. I remember well the first whiskey I ever saw was brought to the store in an old-fashioned, short, square, big-mouthed Scotch snuff bottle by an old man named Ned Jones, for his own drinking; and when I got him

to let me smell and taste of it I found it as revolting in a crude state or with water only as other strong drinks, which should be used only medicinally and but little in that way.

The war of 1812 with Great Britain coming on goods could not be obtained to replenish the store, and when I had been there about seventeen months it was closed and I made up my few things into a bundle to take home. When about to leave I was agreeably surprised at the gift of twenty-five silver dollars from my employer, and went home in cheerful mood, the richest boy in the neighborhood. All sorts of merchandise became scarce and dear; salt got to be five dollars per bushel; sugar, coffee, iron, steel, etc., equally exorbitant in price and such produce as the people made for market scarcely worth transportation to one. Money was, of course, exceedingly scarce and every one impecunious.

I was at once put to work with the negroes on the plantation until an uncle and my father made up a load of manufactured tobacco, with which, a negro man and I were sent to the lower part of North Carolina to peddle from house to house, camping out at night; and if tar could be had cheap to take that article back, as we did, having procured it for one dollar and fifty cents per barrel of some thirty or forty gallons.

In this swampy country—near the Great Dismal swamp, where large swamps were called "pocosons," there was in common use native tea, secured from a bush resembling the privet of Tennessee, which might become valuable if properly managed, and was known there as Yapon. It has been used by some Indian tribes, and known as the "black drink," as I have been informed by R. J. Meigs, of Washington, formerly of Nashville, who in early life spent sometime at an Indian agency with an uncle who was agent, but with what tribe I have forgotten. It seems that when they met in council for business, two men would be delegated to fill a large kettle with water into which a quantity of the leaves and twigs would be placed; when ready for use it would be handed hot first to the chief and then to the others again and again until their stomachs would be so full they would eructate and cast up a portion of the liquid; they then considered themselves ready for business. This tea was extensively used in that country, sweetened with honey, which was more abundant than I had seen before. I have thought this tea was like, if not identical with, the once famous matti of Paraguay, which the Frenchman Bonpland went there to investigate and was detained a number of years by the tyrant, Dr. Francia, who seemed to control the people as perfectly as if he had them caged or under lock and key.

On another occasion the same negro man and I were sent on another expedition of the kind named to the southern part of

North Carolina and the northern part of South Carolina; and again I was sent with another darkie to Petersburg, Va., with a wagon load of tobacco prized into hogsheads, and a neighbor sent another load under my care.

In this way, and working on the plantation and on that of a bachelor uncle, who had entered the army, I was employed about two years and until I was offered in November, 1815, after the close of the war, a situation in a store in the country village—Oxford—at seventy-five dollars and my board for the first year. In this establishment I became bookkeeper after not many months, was given in charge the key of the safe, and seemed to be more trusted than a young man whom I had found there, several years my senior, and he left. The active man of the firm of two persons who owned the establishment was Clerk and Master of the Chancery Court and it fell to my lot to copy bills, answers, depositions; count every word, and endorse on the copy the number of copy sheets consisting of ninety words for which the clerk's fee was twenty cents per sheet. In addition, one of us had to be at the store at night to charge the day's work of two negro blacksmiths owned by one of our employers, as everything was carried on on the credit system.

My employers had also a tan yard and we had to receive hides, weigh and pay for them, send to the tan yard and receive from it and sell the leather. Keeping accounts of these various matters required so much attention that I had sometimes barely time for eating and necessary sleep.

My wages gradually increased to one hundred and eighty dollars per annum when I was offered by an uncle, Dr. Thos. Hunt, who had formed a partnership with Samuel Dickens to locate land warrants in West Tennessee, then known as the Chickasaw or Forked Deer country, the liberal and inviting salary of four hundred dollars per annum, which I accepted. My former employers offered me an equal interest in their business if I would remain, but I went assured that I would have an easy time examining lands and getting the situation of good lands to be entered when the offices were opened for entry. I found it an exceedingly rough, hard business, camping in the woods, which I did nearly all the time for about four consecutive years—the latter part on my own account—until sleeping on the ground on raw bear or deer skins, which are impervious to water, became as familiar and as much a matter of course as it is now to sleep in a house on a bed.

My employer made in two years, and mainly from my labor and attention to his business, I suppose more than twenty thousand dollars; which he, being brought up in ease and abundance and being of an extravagant and liberal disposition, soon got rid of, as with a considerable inheritance also; his partner's plan was

to get all he could and keep all he got. My wages were to be eight hundred dollars after the first year and for risqueing my health and life, I got no money but about one thousand dollars in property. My employer failing, I lost by him about four times as much as I received.

* * * * * * * * * * *

Some years previous to 1820 and at that time there had been and was much litigation growing out of conflicting land titles, which often required copies of entries, grants, etc., which could only be obtained from North Carolina at considerable expense and delay. John C. McLemore, who had become somewhat prominent in land matters, conceived the plan of procuring from North Carolina copies of all titles to lands in Tennessee, which emanated from that State and at great expense and trouble did so, having copies taken almost entirely, in bound books. Certified copies from these books were in a short time made legal, many of which I made out. The books proved a great convenience to the community, but not very profitable to Mr. McLemore.

A law was passed by North Carolina in 1780, donating to the officers and soldiers of the North Carolina line in the army of the Revolution land warrants with which to enter lands in her western territory, now Tennessee (Haywood 116). In 1781 a law seems to have been passed giving warrants to men employed to guard the white settlements and were known as guard right warrants (Haywood 128); pre-emptions were allowed in 1780 (Haywood 123).

In 1783 John Armstrong was appointed by North Carolina to sell land warrants to raise revenue with which to pay off the State's indebtedness, and sold some three millions of acres in parcels of five thousand acres or less.

A large part of Middle Tennessee was taken up under these warrants and some by pre-emption or head right and guard right claims, probably as much as 300,000 acres in 1783, on surveys made by Isaac Robards, Henry Rutherford—Harris and perhaps one or two others, which were very imperfect on account of the hostility of the Indians. These surveys were made to run to the point of the compass, and all surveys made in West Tennessee (and none were made till after the cession by the Chickasaw Indians to the United States in 1818) were required to be run to the true meridian; that is parallel to and at right angles to the South and North boundaries of the State, which is six and a half degrees to the left of the point of the needle.

John Armstrong warrants only were located in West Tennessee prior to December, 1820, I believe; beside those granted therein as named above a considerable number were entered under N. E. about the same time and were called special entries and were granted by Tennessee after 1818. Whether the Rice and Ramsey

tracts on which Memphis is situated were special entries I am not sure, but believe the latter was. Quite a number of special entries were made adjoining the State line; the first called for beginning at the southwest corner of the State on the Mississippi river and running east with the State line, then north, etc. Others called for that one and each other thus extending east along the old State line for many miles.

I remember but one North Carolina claim, a special entry, I believe, being made in West Tennessee on Tennessee river; which was for 1,800 acres in the name of William P. Anderson, at and including the mouth of Birdsong creek, some miles below Johnsonville, including the only extensive body of good land I met with on that river, which I meandered from Reynoldsburg up about ten miles and found it one of the worse jobs I ever undertook on account of canebrakes, in one of which I spent an uncomfortable night. Isaac Robards, only, of the surveyors named above entered West Tennessee from its east side and he from opposite the mouth of Duck river, thence ran west to Big Sandy at a bluff where he made a corner and from it four 5,000-acre tracts were granted to my grandfather, Memucan Hunt; Robards made another corner in the forks of Beaver creek, of Obion river, and located other grants of 5,000 acres each to my grandfather on one of which Huntingdon now stands until he had 75,000 acres in his name; he had as partners, however, Thos. Polk, Jas. Galloway, Jesse Benton (father of Thomas H.), Pleasant Henderson, who settled on one of the tracts near Huntingdon, and died there, and A. Murphy. This company, including Isaac Robards, owned 140,000 acres all together. In 1827 or 1828, I had occasion to perpetuate the testimony of Henry Blair, then of Wilson County, as to a corner made in 1783 two miles east of Huntingdon, when I am pretty sure he told me his powder horn was shot from his side by an Indian on this expedition and not in Middle Tennessee as stated in Haywood's history.

After the cession of West Tennessee to the United States in 1818, it was required to be laid off in five surveyors' districts, of which Samuel Wilson, Adam R. Alexander, Robt. E. C. Doherty, John B. Hogg and Gen. Samuel Williams were appointed principal surveyors. The surveyors were required to survey their districts into sections five miles square and to have a map of each made on a scale of three hundred and twenty poles or one mile to the inch with all rivers and creeks represented thereon. Surveyors were allowed to vary from closing each section not more than twenty poles. Section corners hewed six or seven inches square, and showing three feet, were planted firmly in the ground, each face placed toward the contiguous section and having cut on it the range and section to which it pointed. At one mile in each direction a post was put with one notch on one side and four

on the other; at two miles another with two chops on one side and three on the other and so on from one corner to another. All range and section lines were marked on trees with a blaze, and a chop above and below.

All claims to land emanating from North Carolina were required to be represented on the district map if they could be identified, as nearly all of them were, before the offices were opened for entry under the laws of Tennessee, and nearly or quite all were made on John Armstrong warrants—amounting, I suppose, to 300,000 acres or more in West Tennessee.

The offices of the five districts were opened simultaneously in December, 1820, at different points; one where Lexington, Henderson County, now stands; one a mile or two below where Jackson is situated; one on the bluff (Memphis); one where McLemoresville, Carroll County is, and one eight or ten miles north of Jackson at Col. Robert H. Dyer's. Entries were recorded in a book, copies were furnished to deputy surveyors, who surveyed the lands and returned the plots and certificates to the office, where they were recorded in another book; and with the warrants were delivered to the locator, who filed them with the State register at Nashville, who issued grants on them; subsequently an office was established at Jackson from which West Tennessee lands were granted.

A law was passed by North Carolina escheating to the university of that State such warrants as had been issued to persons for military service who had died without lawful heirs or proof of this fact; and Col. Thos. Henderson, of Raleigh, was authorized to procure such proof receiving a percentage for his services.

He employed a number of men in different parts of the State, and many warrants were obtained to which the university became entitled. The entire amount of the military warrants I never knew. Hunt and Dickens located many of them and of John Armstrong warrants—some 300,000 or 400,000 acres. No other company located so many except that composed of John C. McLemore and James Vaulx.

In going west from Nashville we purchased cloth at Reynoldsburg for a tent, when we crossed the Tennessee about April 24, 1820; it was then a prosperous village with twelve or fifteen stores, but proving sickly the county seat was moved to Waverly; the last time I was at Reynoldsburg, some twenty-five years ago, it contained but one family which lived in the old court house.

We began camping on the first high land, three or four miles from the Tennessee on the old Natchez road and procured tanned deer skins for leggings to guard against snakes, briers, vines, prickly pears (Indian tear blankets), etc. Our horses not being accustomed to live on the range were exhausted in a few months, but our two mules stood it better.

Mr. Dickens being taken sick with fever on Tennessee river, we provided a log hut ten or twelve feet square covered with boards and floored with puncheons. We had no fireplace and no candles and in it the sick man, Samuel McCorkle and I had a doleful time for a week or two.

The sick man became alarmed and requested us to sing for him, he a member of the church and we not. We happened to know a song or two, and did the best we could. McCorkle could sing, but indifferently, and I less. The sick man was soon able to travel and left for Middle Tennessee, never to enter the With McCorkle, Joel Pinson, James McDaniel, David Moore woods again, leaving the laborious part of the business to me. and two packmen, I proceeded on foot to the Forked Deer and Big Hatchie rivers. Our method was to send the two packmen from a section corner along a range or section line for five or ten miles to another section corner, where all were to meet and camp. One of the packmen kept directly on the line, stepping as regularly as possible and counting every other step, having been furnished with a leather strap a foot long which had in it sixteen holes along its middle, and a leather string, longer than the strap run through its holes, both fastened to the breast of the coat. Practised men knew how many steps woud make an "out" and would pull the string out of one hole. Sixteen outs would make a mile. The other men would proceed on lines parallel to these with compasses; those having the short line one day would take the long one the next. We soon became remarkably accurate in our own measurements, nearly as much so as if carelessly measured with a chain. Each party had a horn by which we could generally find each other.

On emerging from the swamp of Forked Deer river about a dozen miles from Jackson, we found a bold spring and near it a mound six or seven feet high and large enough for a house, which we named Mount Pinson. We did not then know of the large mounds two or three miles farther south and persons who had seen them supposing it was these we had so named adopted the name as having been intended for them and they have borne that name since. I saw the large mound later and supposed it to be about seventy or seventy-five feet high and nearly four hundred yards in circumference. Near it was a square mound about twenty feet high, and other smaller ones, dikes, etc., abounded thereabout.

The land, including the spring and low mound we had named Mount Pinson, was entered by Hunt and Dickens for Col. Thos. Henderson, who built and lived on it.

We soon learned that near all mounds there was almost certainly good land and constant running water.

We worked south and west until within sixteen miles of the

Bluff (Memphis), near where Fanny Wright afterward made a settlement she named Nashoba—the Indian name of wolf—and went there for a supply of provisions; I got as much flour as we needed and all the bacon the place afforded, some sixty pounds. At this time, autumn of 1820, Marcus B. Winchester and Anderson B. Carr had a store at the Bluff, as did a Mr. Rollins, their trade being almost entirely with Indians, many of whom were hunting over the southern portion of the Western territory, it being their last chance there. A man named James kept a log tavern on a small scale near the mouth of Wolf; a Mr. Irvin had located at Ft. Pickering where there were two blockhouses. Grace lived on the river not far above the mouth of Wolf. William Lawrence, a deputy surveyor of the district, made that his home as did John Ralston, another deputy. Paddy Maka had located there and had some sort of claim to the largest of a group of islands opposite the mouth of Wolf, which were called Paddy's Hen and Chickens.

I was at the house of a Spanish judge named Foy across the river; a man named Robards, I believe, had settled President's Island and a family of bachelors named Person were locating on Nonconne creek, six or seven miles from Memphis. No other persons had settled in Shelby County at that time that I know of unless Jesse Benton had done so on Big creek.

There were four bluffs within Tennessee on the Mississippi known as the Chickasaw Bluffs: one opposite Lauderdale County; the second, above Big Hatchie, was entered by Judge Jas. Trimble in 1820, and is occupied by the town of Fulton; the third, a few miles lower, is occupied by Randolph, and the fourth one by Memphis.

One man had settled in what was for a while part of Tipton County, now Lauderdale, named Samuel Givens; there were a few at the time in Henry County; a few in Carroll on Big Sandy, in Henderson and McNairy along the Natchez road, and in Benton. Thomas Fite had settled in what is now Gibson, six miles from Trenton, and was its only occupant unless Randolph had done so. In Hardeman, Fayette, Haywood, Crockett, Weakley, Dyer, Obion and Lake counties, there was not an inhabitant that I am aware of. Thomas Fite had a mortar for converting corn into meal operated by water. He had erected on the bank of Little river a water wheel, which was turned by the current and which operated an upright beam or pestle. The affair would operate until stopped by arrangements constructed for that purpose, but Mr. Fite told me would occasionally beat up a squirrel which had been tempted by the corn.

All work in the woods had to cease in November and we came in to prepare for the opening of the land office in December. I was literally in rags and nearly shoeless and hatless; everything

I had on was barely worth a dollar. I camped many nights after this year, 1820, near Bayou Gayoso, near Memphis, where business with the land office required my attention. Once some fifty Indians had congregated at the Bluff for a great spree; racing their ponies over an old field, pommeling each other with empty bottles and winding up with swelled faces and sore heads. One stout old fellow with several grown sons camped near me and with him I exchanged a pretty nearly used up pack horse for a pony, giving him six dollars boot, of which he placed in the hands of Dr. Davis, who had recently settled at the Bluff, and whom he knew, two or three dollars with which to get something to eat and material for shirts after they had spent the balance in a drunken frolic they had agreed to have.

When the time for opening the land offices arrived I went to the Bluff with fifty or sixty thousand acres of warrants; the company going were Gen. Jas. Winchester, Judge Jas. Trimble, Judge Jno. Overton, O. B. Hayes, all of Tennessee; B. F. Hawkins, of North Carolina, and others had gone before me, but I overtook them and we reached the Bluff together where we transacted our business.

About the beginning of 1822 Jno. C. McLemore, Sugars McLemore, Samuel Dickens and I formed a partnership to locate land warrants, Mr. Dickens to furnish my part of the capital as being equal to my services in the woods; and we located more than three hundred and thirty thousand acres of warrants; among them over a hundred thousand acres of escheated claims, which the Legislature of Tennessee refused permission to be entered unless her colleges could come in for a share with the university of North Carolina. This effected a compromise by which the university got about forty per cent of this new batch of warrants, Cumberland College, at Nashville, about thirty-five and East Tennessee College about twenty-five per cent. I estimated what each got from the quantities of these warrants entered by us for the three institutions and I believe we entered most, if not all. For the entering of these and other warrants the land offices were again opened in December, 1822, and I was assigned to the most difficult one to reach, that at the Bluff, and took with me about fifty-six thousand acres of warrants.

I may mention that the largest military warrant issued by North Carolina was to the heirs of Gen. Robt. Howe, and was for sixteen thousand acres. It was entered north and northwest of Paris, Henry County, and the Rev. Samuel Hawkins, a relative and heir, occupied and disposed of it. The next largest, so far as I know, was for the services of a chaplain—whose name I have forgotten—for seven thousand two hundred acres and was entered by me in Henderson County.

Of the many persons engaged in the business I was in, only one

death occurred in the woods, that one, Mr. Richard Hightower, father-in-law of O. B. Hayes, of Nashville. This occurred, I think, in 1820, at a fine spring a few miles south of Covington, Tipton County, which was afterward known as Hightower's spring.

I followed the business as it was offered to me for about sixteen years—much longer than any one else did, and I believe they are all dead except me. For many years I saw no newspapers and few books.

The only man I knew of who settled and lived on the land which the warrant issued for, for service in the army of the Revolution was named Bab, whose warrant for six hundred and forty acres was entered some six miles southeast of Paris, and I presume he died on it. The Legislature did itself credit by passing an act permitting him as many offsets and corners as he thought proper, leaving out the bad and including the good land.

Sixty-six warrants were issued by a resolution of the Legislature of North Carolina called Resolution Warrants and were entered in the names of the persons to whom issued, by McLemore, Dickins & Co. These resolution claims as we called them were when entered worth all together about eighty thousand dollars, the aggregate number of acres being 32,742.

About 1833 or 1834 some of the authorities of Mississippi became dissatisfied with the line between that State and Tennessee as it then existed and wished it run again as accurately as possible believing it would go farther north and perhaps include part of Memphis. Commissioners were accordingly appointed who met at the corner of Mississippi and Tennessee on Tennessee river and proceeded west along latitude thirty-five degrees with great care and precision, but instead of bearing to the north of the existing line went constantly the other way until the two lines when they reached the Mississippi were about three and a half miles apart; thus adding about two hundred or more square miles to Tennessee. Learning of this and controlling some thousands of acres of land warrants, I went to Lagrange and examined a large part of the strip gained by Tennessee from her neighbor, supposing it might be subject to entry by the warrants I held, in which I was mistaken.

Returning to Lagrange one evening from a day's exploration, I learned that the Methodists had held a meeting that day at their church, and as the congregation was dispersing a Dr. R— had waited at the door with a whip or stick to castigate the preacher, and made the attack. The preacher was too much for him, took away his weapon and knocked him down with it. The fray extended until it became a sort of free fight. I give it as I heard it.

I have heard it said that the Indians, when asked why none of them lived permanently in West Tennessee, replied that it leaked

too much. For a time after I first went there I thought it rained, hailed, thundered and lightened with more wind that I had known elsewhere.

About 1826 or 1827 I reached the house of Rev. J. Wright just before night. I think he was a Methodist, and lived six or seven miles northwest of Paris. I found there, or he arrived soon afterward, Elder Smith of that church, and as we were to spend the night there we were informed there was to be a witch-killing for the relief of a daughter of Mr. Wright, who had been bewitched by another woman, and that all who were to stay at the house must be within before daylight disappeared and not go out until broad daylight next morning, as doing so would destroy the efficacy of their intended operations. We of course remained in. An oven was placed on the hearth filled with liquid of some sort with some of the bewitched woman's hair, trimmings of her nails, etc., the lid put on and closely sealed with stiff clay, and fire put on and under the oven. The witch in diminutive form had by some means been gotten into the oven and when the liquid in it was about to give out the patient would by some kind of influence of the witch be powerfully impressed with the desire to relieve her. The bewitched woman was placed in bed near the center of the room, her father and husband by it. Elder Smith and I were on a bed in a corner wide awake to witness the scene. When the liquid in the oven was about to give out and the other things be burned, the patient began to roll back and forth on the bed; sprang out suddenly to relieve the witch, was seized by her husband and father and they had it up and down, hip and thigh, on and over the floor until the woman was placed forcibly on the bed where she was confined until daylight, when the doors were opened and all were let out. The woman's husband died soon after and I never heard of her troubles again. She may have died too.

The bewitching it appeared had occurred where they moved from and Mr. Wright had been told if he could draw blood from the witch above her breath it would cure his daughter. He had gone to the house of the alleged witch, seized her and scratched her forehead with something and drew blood; for the assault he was sued and well-nigh, or quite ruined by damages and costs.

The lawyers of those days in going the rounds of the courts would have their fun. On one occasion at Huntingdon a bull owned by the clerk of the court made his appearance about night with other cattle and having a bad name for breaking into cornfields, was caught, tied to a stump on the square and tried for his crimes. Prosecutors and defenders were appointed, witnesses summoned and a great part of the night was spent in the trial. I heard but did not see this scene. Adam Huntsman, Berry Gil-

lespie, and Abe Martin let off their fun-making propensities in this way: Huntsman had a wooden leg, and once when charged with the paternity of an illegitimate child replied if it had a wooden leg he would own it, but not otherwise.

Another man and I, in passing Col. David Crockett's house called to inquire about getting over a little river some miles ahead, a bridge that was over it having been destroyed and there being no good, or tolerable ford at the place; and he walked several miles with us to put us on the path that led to a good ford. At Trenton there was a meeting of candidates seeking office; the Colonel being up for Congress, made a speech, and as well as a gentleman (George W. Terrell) and I could make out what he said—in part—we being on the outside of the crowd: it was that the ruffle-shirt fellows about the villages were all against him, but not being able to break him down had imported one of Wellington's redoubtable troops to certify against him—a man that came to this country in Gen. Ross' army that captured Washington City, and deserting had turned lawyer and located in a village not far off; that he would not give his name, but would describe him so that some of the persons present would understand who he meant. He said the man looked as if he had been burned in a log cabin, snatched out of the ashes, and had his face sewed up with leather whangs; it was well understood who he meant. I knew the man. He had a large, broad homely face, and was as badly marked by smallpox as can be imagined.

Mr. John Harding told me that in descending the Mississippi river, on his way to Natchez with some negroes for sale he stopped at New Madrid, where there was a settlement of white people, and a negro man made his escape and he had to proceed without him; after having been awhile at Natchez he learned that the negro had been captured and was in confinement. He started alone in a skiff up the river, and paddled against the current to New Madrid, a distance of some six or seven hundred miles; got his man, started down the river, stopped at Judge Foy's opposite Memphis and sold him the negro; was paid for him in silver, which he poured into the bow of his skiff, and covered it over with earth on which he did his cooking, and proceeded to Natchez. At that time there was no settlement between New Madrid and Memphis, I believe, and none from there to Natchez, unless at Vicksburg, or Warrenton, ten miles farther down.

On one occasion, Harry Garrett, a young lawyer of Dresden, and I stayed one night at a Mr. Terrill's who had located at a narrow place of one of the Earthquake Lakes in which were dead trees still standing. The next morning Mr. Terrill took us a short distance from his house to show a place where an earthquake crack as they were called, had passed under and split open a large

tree, parts of the dead trunk of which were still standing on each side of the crack.

About 1840 I went with Col. Louis D. Wilson, of North Carolina, and Mr. Frank McGavock, of the vicinity of Nashville, to examine a tract of land they owned on the Mississippi at Hale's Point. We found the river had carried away all the land but forty acres; we intended spending the night there, but finding the famous mankiller, Col. John Smith T, of Missouri, there and his death-dealing weapons visible lying about in the room, and expecting to have to sleep in the same room if we stayed there all night, we thinking we could sleep better elsewhere, on very brief consultation determined to leave for Dyersburg, some sixteen miles, late as it was and reached there some time after night.

Col. Smith T had the name of having killed about half a dozen men, one of them in Nashville, and how he managed to escape punishment I do not know. He was claiming the land adjoining Hale's Point and died at Mr. Hale's soon after. I heard when I went first to West Tennessee there were but few roads or paths in it, most of them being newly made and leading to new settlements. The oldest of any extent was, I believe, the Massac trace, which entered the State nearly south of Sommerville and passing some five or ten miles west of that village, and near Wesley, led to Ft. Massac, situated in Illinois on the Ohio river about opposite the mouth of the Tennessee. The United States had had made a pretty good road from Reynoldsburg on the Tennessee a few miles below Johnsonville, going something west of south through West Tennessee to the Chickasaw nation on which a few families, generally remote from each other, had settled. A pathway had been made nearly on and along the old south boundary line of the State by the first party of Cherokees which moved west, on which were built two or three very rough bridges over the main upper branches of Big Hatchee river. I have traveled along this Natchez road and Cherokee path, the entire extent of the former and along the latter from Memphis to the Natchez road. There were also paths from the Chickasaw Nation leading to the Bluff (Memphis), where Indian goods were kept.

There lived immediately around where I was born and reared eight Revolutionary soldiers, all of whom I knew, and I went to school with the children of most of them. My paternal grandfather and his eldest son were of the number, the latter having entered the army at the age of sixteen. Benjamin Hester and two of his brothers were of the number and it used to be said of the first that at the battle of King's Mountain an American officer rode up to a company during the raging of the fight and asked if there was among them a man with a first-rate rifle and was himself a first-rate shot; to which Ben. Hester replied he was the

man and had the rifle. The officer pointed to an exceedingly active officer, Col. Pat. Ferguson, commander of the British forces, and said, "I want you to take him off his horse for he is a host of himself." Hester took deliberate aim at the officer and he fell. Wheeler (p. 107) says: Ferguson had seven or eight bullets shot through him; Hester's may have been one of these or may alone have brought him down.

AN ACCOUNT OF THE COMPILATIONS OF THE STATUTE LAWS OF TENNESSEE.

BY A. V. GOODPASTURE, A.M., B.L.

ROULSTONE'S LAWS.

The first compilation of the laws of Tennessee, was printed and published by George Roulstone, at Knoxville, in 1803.

Roulstone was a printer by trade. He came here from New England, and in 1791, began the publication, at Rogersville, of the *Knoxville Gazette,* the first and, for sometime, the only newspaper published in the Southwest Territory. He was a man of more than ordinary intelligence. As public printer, he had published the Session Acts, both of the Territory and State.

In his compilation, he did no more than to reprint the Session Acts, and bind them together in a single volume. The work is a literal reproduction, even to clerical errors, of the Acts and Ordinances of the Governor and Judges of the Territory of the United States of America, south of the River Ohio; of the Acts of the Territorial Assembly; and of the Acts of the First, Second, Third and Fourth General Assemblies of the State of Tennessee, thus bringing into one volume the statute laws from 1792 to 1801, without other editorial work than the arrangement of an index. It was, however, a manifestation of considerable enterprise, since the stock for carrying it on, had to be transported many hundreds of miles, at great expense. But complete sets of the Session Acts were, even then, so scarce as to invite the undertaking, and at this day, hardly a library in the country could supply itself with a complete set of the Session Acts of the State, without utilizing this Roulstone reprint.

FISK'S COMPILATION.

In 1803, the Legislature appointed Willie Blount (1769-1835) and Moses Fisk (1759-1843) commissioners to revise, select and compile the acts and ordinances of the Governor and Judges of the later Territorial Government; the acts of the late Territorial Assembly; and the acts of the General Assembly of this State, which were then in force and use; and also to make and add thereto a careful selection of the statute laws of North Carolina, passed previous to the passage and acceptance of the act of

cession; and directing that they insert in said volume the charter from the Crown of Great Britain, the lords proprietors' great grant, the ordinance of Congress for the government of the territory northwest of the river Ohio, the Constitution of this State, the Constitution of the United States as amended since ratification, the Act of Congress admitting this State into the Union, the Declaration of Independence, the Articles of Confederation of the United States, together with the treaty of peace between the United States of America and Great Britain.

Willie Blount was learned in the law, had already received and declined an appointment to the supreme bench of the State, and had written and published a "Catechetical Exposition of the Constitution of the State of Tennessee," and his fitness for a place on the commission could not have been questioned, but for some reason he never acted under his appointment.

Moses Fisk was a native of New England. He was a graduate of Dartmouth College, and had been for seven years a tutor in that institution. He had declined the presidency of the University of North Carolina, tendered through Governor William Blount, and at his solicitation, took up the law, but never devoted himself to it.

He prepared his work alone, and submitted it to the Legislature in 1805, but it appearing that it was incomplete, he was paid a compensation of $300 for the services he had performed and expenses incurred, and was allowed to withdraw his compilation for the purpose of completing the same according to the act of 1803, and was directed to lay it before the next session of the General Assembly for their revision or any regulation they might make relating to it. He did not have it completed and ready to be submitted to the Legislature before its session of 1809, and Haywood's Revisal appearing in the meantime it was never submitted to the Legislature nor published.

HAYWOOD'S REVISAL.

Haywood's Revisal was published in 1809, and embraced the public acts of the General Assembly of North Carolina and Tennessee, enacted from 1715 to 1807, then in force in Tennessee.

John Haywood (1762-1826) came to Tennessee from North Carolina in 1807, and that his Revisal appeared in 1809, is sufficient evidence, both of his familiarity with his subject, and his immense capacity for work. It is peculiarly fortunate for the State that the work was taken up by Judge Haywood at that time. He was a native of North Carolina, whence we obtained the body of our laws. He had been Attorney General of the State from 1791 till 1794, when he was elected to the bench of the Superior Court of that State, which position he held until his resignation in 1800; and had published a "Manual of the Laws of

North Carolina," "Haywood's Justice" and "Haywood's Reports" of the opinions of the Superior Court of North Carolina, from 1789 to 1798. He was an untiring worker, and in the estimation of Chief Justice Henderson, of that State, an abler man never appeared at the bar or sat on the bench of North Carolina.

Haywood's Revisal differs from Roulstone's Laws, in that it embraces the Constitution of the State of Tennessee (1796), and the laws of North Carolina in force in this State, by sessions and chapters. It omits the acts and ordinances of the governor and judges, and brings the acts of the General Assembly down through the first session of the seventh General Assembly, in 1807, by sessions and chapters, but omits all reference to chapters containing laws of a private nature, and such as were not then in force.

Judge Haywood's biographers seem to omit this Revisal from the list of his works, but it is not certain that, in its results, it is not his very greatest publication. Its chief value to the State consists in the accuracy and discrimination with which he culled the statute laws, of North Carolina, for a period of seventy-five years, from 1715 to 1789, and brought into his compilation only such as were in force in Tennessee. A less learned and accurate lawyer, or one not so thoroughly grounded in the laws of North Carolina, could hardly have succeeded so well. It was immensely popular at the time, going through three editions in six years. The third edition, published in 1815, brings the compilation down to 1813, adds the Constitution of the United States, gives numerous marginal notes, indicating the subjects of the sections, and carries the general subject matter treated, at the top of the page, through the book. It is rarely, if ever, referred to in our reports, for the reason that it is in no sense a digest, but sets out the acts chronologically, by sessions and chapters, making reference to the original acts easy and natural.

SCOTT'S REVISAL.

Haywood's Revisal was followed and superseded in 1821, by the "Laws of the State of Tennessee, including those of North Carolina, now in force in this State, from the year 1715 to the year 1820, inclusive," by Edward Scott, of Knoxville, who was for thirty years, one of the judges of the Circuit Court of Law and Equity, of this State. The work, which is very comprehensive, was published in two large volumes. It had the sanction of the Legislature, upon the approval of its plan and execution, by the judges of the Supreme Court, which it received, Judge Haywood then being upon the bench of that court. Indeed it was a valuable work. It contains more matter than Haywood's Revisal, and is provided with marginal notes and references to sub-

sequent alterations and amendments, the first effort in this direction that had yet been made.

In addition to the matter contained in the compilations of Roulstone and Haywood, Scott's Revisal embraced the second charter granted by King Charles II, to the proprietors of Carolina; the great deed of grant; the act of Congress accepting cession of certain lands from North Carolina; an ordinance for the government of the territory of the United States, northwest of the river Ohio; the act of Congress providing for the government of the territory northwest of the river Ohio; the act of Congress receiving Tennessee into the Union; an appendix, containing the articles of Confederation; treaties made by the United States with France, England, Spain, and with the Indian tribes; the act of Congress respecting the authentication of records from other states, naturalization, and the removal of causes from State to Federal Courts; rules of practice in the Supreme Court, and the District Federal Courts; and precedents for Justices of the Peace. It differs also from Haywood's Revisal, in giving the captions of such chapters, in the acts of Tennessee, as were not inserted, in their proper order.

All subsequent revisers have relied on this work almost exclusively for the statute laws of the State prior to 1821.

HAYWOOD & COBBS' REVISAL.

Valuable as Judge Scott's compilation undoubtedly was, it failed to meet a demand which was being felt for a digest of the statute law of the State. To satisfy this growing want, the Legislature, in 1825, passed an act for the appointment of two persons, learned in the law, by joint ballot of the General Assembly, to digest and revise the statute laws of this State and of the State of North Carolina, then in force and of a public nature, in such a manner, that when there were several statutes on the same subject, the whole might be reduced into one, in which should be comprehended the provisions contained in each, with marginal notes, showing the date of the passage of the several acts, and stating the substance of each section.

In pursuance of this act, the General Assembly elected Judge Haywood who had now added to his six years on the Supreme bench of North Carolina nearly ten on that of Tennessee; to his two volumes of North Carolina Reports, three volumes of Tennessee Reports; and to his Manual of the Laws of North Carolina, three editions of his Revision of the Laws of Tennessee. They associated with him Robert L. Cobbs, a native of Virginia, who had commenced his career as a physician, and acted as a surgeon in Jackson's army at New Orleans, but had afterwards studied law, and at this time, was esteemed the most eminent lawyer at the Columbia bar. He was elected Solicitor General of

the ninth district, in 1819, but resigned the position to undertake this work, in 1825.

In 1826, the Legislature passed a resolution providing that where said persons in revising the laws, may ultimately not be able to agree as to what head any part of the law shall be placed under, or whether any law, or part of a law, be obsolete or suspended, expired or repealed, that such differences should be decided by Wm. L. Brown, who was required to act in such case or cases; and he did so act in at least one case. They disagreed as to the act of 1715, ch. 31, sec. 7, the point of disagreement being as to whether that part of the act of 21 James I, ch. 16, sec. 3, which provides that "all actions of debt grounded upon any lending or contract without specialty shall be commenced and sued within six years after the cause of such action and not after," was in force by virtue of the act of 1715. Judge Haywood thought it was not. Gen. Cobbs was of the contrary opinion, and Judge Brown concurred with him, and it was so held by the Supreme Court, in Tisdale vs. Munroe, 3 Yer., 320, Ch. J. Catron delivering the opinion of the court.

Judge Haywood died December 22, 1826, before the work was finished, and it was completed by Gen. Cobbs, and submitted to the Legislature in 1827. He was directed to include the acts of 1827, and to avail himself of the assistance of Judge Brown. After an examination by a joint select committee, of which Judge Nathan Green (1792-1866) was chairman, the work was ordered printed. The publication was delayed, however, until the session of 1829, when it was again ordered to be printed, and to include the public acts of that session, which James A. Whiteside was directed to prepare. It was contemplated that this addition should be completed before the close of the session, but that being found impracticable, the whole matter of its publication was committed to Mr. Whiteside, who brought it out in 1831, in two volumes.

The first volume, including all the statutes of Tennessee and North Carolina passed from 1715 to 1729, inclusive, which were in force, except what was denominated the "Land Law," was made on the plan prescribed by the Legislature, and had appended to it, the Articles of Confederation, Constitutions of the United States and of the State of Tennessee (1796), and precedents for Justices of the Peace.

The second volume was devoted entirely to the "Land Law," which it treated under numerous divisions, indicating for the most part the district in which the land lay, the services for which it was granted, or the purpose to which the proceeds of its sale was devoted. The appendix to the second volume contained the treaties made by the United States with Indian tribes in relation to land in the State of Tennessee; acts of Congress relative to the authentication of records, the naturalization of foreigners, and the removal of suits from the State to the Federal Courts.

This publication marks two important departures in the compilations of the statutes—it was the first digest of the statute laws of the State, and was also the first compilation issued by the State itself.

CARUTHERS & NICHOLSON'S STATUTES.

Although Haywood & Cobbs' compilation was in the direction of a more perfect revision of the statute laws of the State, it did not give entire satisfaction to the profession. It was not intended wholly to supersede Scott's Revisal, and on that account increased rather than diminished, the books of statute law necessary to the profession. Moreover, the State had adopted a new Constitution since its publication. It was not long, therefore, before a new compilation was undertaken by Robert L. Caruthers and A. O. P. Nicholson, two of the most illustrious names in the annals of Tennessee.

Robert L. Caruthers (1800-1882), the greatest advocate this State has ever produced, was also one of its soundest judges. He occupied a seat upon the Supreme bench from 1853 to 1861, and closed his long, upright, distinguished and useful career, at the head of the law department of Cumberland University, in the establishment and success of which institution, he was, more than any other man, instrumental.

His associate, Alfred O. P. Nicholson (1808-1876), then a young man, lived to achieve the highest distinction as an advocate, journalist, statesman and jurist. At the time of his death, he was Chief Justice of the Supreme Court of the State.

Their work, commonly known as Caruthers and Nicholson's statutes, was issued in 1836, and was done ably and accurately. It was received with great favor by the profession, with whom it was the standard until the adoption of the Code in 1858. Taking the statutes brought into Scott's Revisal, up to 1820, and the session acts subsequent to that date they undertook to arrange them under their title in alphabetical order, so dividing and subdividing them, that every distinct subject could be found under its appropriate title. And in arranging them under the several titles, they placed them in the order in which they were passed, in this way combining a chronological with an alphabetical order. A new feature of this compilation, is the notes, containing references to judicial decisions on constitutional questions, and on statutes, when deemed necessary for a correct understanding of them. It contains the Declaration of Independence; Constitutions of the United States and the State of Tennessee (1834); Acts of Congress on Naturalization, on the authentication of record, on the removal of causes from the State to the Federal Courts, accepting certain lands from the State of North Carolina, and receiving the State of Tennessee into the Union; and in the appendix, forms,

notes of explanation and remarks, arranged under the different titles of the compilation, which is especially notable for their departure from the old system, in conveyancing and other forms, in the direction of brevity and perspicuity, which was afterwards followed in the code.

NICHOLSON'S SUPPLEMENT.

In 1846, Judge Nicholson published a volume of "Statute Laws of the State of Tennessee, of a general character; passed since the compilation of the statutes by Caruthers and Nicholson, in 1836, and being a supplement to that work." The plan of the work is simple and inartificial. The several acts are published in full, under their respective titles, arranged in alphabetical order.

CODE OF TENNESSEE.

The State of Tennessee had a claim against Smith Criddle which was litigated in the Chancery Court at Franklin. The Legislature seems to have set apart the fund arising from that suit, to procure a new revision and digest of the laws of the State. In January, 1844, it passed a resolution providing that two persons of sufficient learning and ability be appointed by the judges of the Supreme Court, whose duty it should be to revise and digest the general statutes of the State, and the reports of the Supreme Court, with a proviso, that the person so appointed should receive in full compensation therefor, the balance due the State from Smith Criddle, then pending in a suit in the Chancery Court at Franklin, and no more and not otherwise. This proviso defeated the main object of the resolution, but there was another that bore rich fruit for the profession and the State. It provided "that the persons appointed to digest the decisions, shall be the owners of the book, and may proceed to publish the same as soon as it is prepared; but the same shall be done on their own responsibility."

In pursuance of the resolution, the judges of the Supreme Court, on the 5th day of February, 1844, appointed Francis B. Fogg (1795-1880) and Return J. Meigs, who, the late W. B. Reese, says, was for fifty years Mr. Fogg's only rival in knowledge and general scholarship. The inadequacy of the Smith Criddle fund prevented the revisers from undertaking a revision of the statute law, but under the second proviso, Mr. Meigs did undertake, and in 1848, published, a Digest of the Decisions of the Supreme Court, which has no superior in any State of the Union.

The matter rested here until 1852, when by resolution of the General Assembly, Return J. Meigs and Wm. F. Cooper were appointed to revise and digest the general statutes of the State, with power to suggest any amendments or alterations which they

might deem advisable. The resolution also provided that they should receive as their compensation, the balance remaining unexpended of the amount recovered by the State against Smith Criddle. But remembering, doubtless, the fate of their former resolution, it was further resolved, "that if said gentlemen are not willing to undertake the revisal of the statutes upon the terms aforesaid, that the governor is hereby authorized to contract with them or others for the work, upon such terms as he may deem proper."

Return J. Meigs (1801-1891) was a man of wide learning and ripe scholarship, as well as of high legal attainments. If he had needed any other recommendation, his admirable Digest of the Decisions of the Supreme Court, that had just lately appeared, demonstrated his fitness for this work.

William F. Cooper, who was born in 1820, still survives, "full of years and full of honors." Like one of our former revisers, he was educated for the medical profession, but abandoned it for the law, in which he attained the very highest eminence, both as a jurist and a law writer. He was successively chancellor of Nashville division, and judge of the Supreme Court of the State.

Shortly after their appointment, the revisers met to consult upon a plan of work and a division of labor, with a view of completing the digest before the meeting of the next Legislature. Owing to Mr. Meigs' professional labors and his duties as State librarian and in other public capacities, he was not able to spare the time Mr. Coooper was willing to devote to the work entrusted to them. It was first agreed between them, that Mr. Meigs should reduce into manuscript the laws of a general nature in Scott's Revisal, and that Mr. Cooper should rewrite the laws from 1820 down, putting them in their own language and in alphabetical order, with a view of afterwards throwing the material thus prepared into some suitable order of arrangement. Mr. Meigs' engagements being such as to prevent him from accomplishing his task in the time allowed, a session of the Legislature passed, without a report, and they then agreed to adopt a division of the laws into four parts, viz: Public Rights, Private Rights, Redress of Civil Injuries, and Crimes, the first two parts to be prepared by Mr. Meigs, and the last two by Mr. Cooper. Mr. Meigs was still not ready to report at the session of 1855-6, and informed Mr. Cooper that he felt it his duty to go over the whole of the statutes in the manner suggested in their first agreement, and that view the latter accepted as applicable to himself also, and the work proceeded on two independent lines, so that they were never able to submit to the General Assembly a digest produced by their joint labors.

Mr. Meigs reported that he had revised and digested, in conformity with his arrangement with Mr. Cooper, the laws falling

under the general divisions of Public Rights and Private Rights; while Mr. Cooper submitted with his report a complete digest of the laws of the State, with such alterations as he deemed advisable, analytically and systematically arranged, which he stated to be the exclusive work of his own hands, unaided by the gentleman who was expected by the General Assembly to co-operate with him in the production of a joint digest.

Both reports were submitted to the General Assembly at its session of 1857-8, and were referred to a joint select committee of that body, composed of Senators Joseph B. Heiskell, W. P. Davis and W. C. Whitthorne, and Representatives W. C. Dunlap, C. W. Rowles, H. B. Bate, Michael Vaughn, S. T. Bicknell and M. Bullock, and by them referred to a sub-committee, composed of Joseph B. Heiskell, Chairman, and Micajah Bullock and Samuel T. Bicknell. This sub-committee, with the advice and assistance of Messrs. Meigs and Cooper, revised their work, reporting the code in sections from day to day to the General Assembly, where it passed three readings, and was thus enacted by the State, under the name of the "Code of Tennessee," a work that has justly taken a place in the front rank of American codes.

It is due the State to add, that in addition to the $1,000 realized from the Smith Criddle claim, it paid each of the revisers the sum of $4,000 for his services.

The arrangement of the code, which is that of Judge Cooper, was made after a careful examination and comparison of the various State codes, as well as the Code Napoleon and Sergeant Stephens' analysis of the laws of England. It is divided into four parts, and combines systematic grouping, under appropriate titles, of laws having a natural connection, with suitable sub-divisions into chapters and articles to ensure ease of reference. Each part is divided into several titles, in the most natural order; each title into chapters arranged systematically; the chapters being again sub-divided, when necessary from the nature of the subject or extent of material, into articles methodically arranged. It also carries system into the sequence of sections, instead of throwing them together without method just as the law happened to be read, making each chapter read as nearly like a treatise on that branch of the law as the nature of a digest will permit. In like manner the arrangement of chapters under a given title, is such as to follow the natural order in every case where the subject would permit.

SHANKLAND'S SUPPLEMENT.

In 1871, James H. Shankland, of the Nashville bar, published the public statutes of the State, passed since 1858, as a supplement to the code. It was designed to exhibit in one view the public laws of the State, enacted since the code, and at a distance of thirteen years of such great changes as those from 1858 to

1871, was absolutely necessary to the profession, in the absence of a better work. It went through a second edition in 1872.

THOMPSON & STEGER'S CODE.

Shankland's supplement was entirely superseded by the appearance, in 1873, of "A Compilation of the Statute Laws of the State of Tennessee, Including Acts of Session of 1870-1," by Seymour D. Thompson, of Memphis, and Thomas M. Steger, of Nashville. This work is commonly known as Thompson & Steger's Code. It gives the sections of the code, in force, in their proper order of sequence, prefixed by their proper sectional numbers, while the laws passed since the code, are inserted under the sections relating to the same subject, and are designated by the number of the preceding section, with a letter added. It also gives notes of the judicial decisions of this State and the United States, involving a construction or an important application of the statutes embraced in the compilation. The work had gone through two editions, when the General Assembly agreed to supply it to Justices of the Peace, provided, it should include all acts down to, and including the acts of 1873. Three sessions of the Legislature had been held since the appearance of the first edition, and the acts of these sessions were included in a supplement to the third edition, and was also bound separately to supply purchasers of the first and second editions. The first edition was published in three volumes, and the second and third in two.

MILLIKEN & VERTREES' CODE.

By a resolution of the General Assembly, in 1883, J. J. Vertrees and W. A. Milliken were authorized, directed and empowered to revise, digest and codify all the general laws of the State, and to have the same published in one volume, if practicable, under the title of "Code of Tennessee." They were directed to prepare and arrange it on the plan of the present code, with notes to each section, containing citations of statutes from which same were taken, and all decisions of the Supreme Court construing the same. In pursuance of this authority, they published in 1884, "The Code of Tennessee, being a compilation of the statute laws of the State of Tennessee, of a general nature, in force June 1, 1884," in one volume. This compilation brought the acts down through the session of 1883, and the notes of decisions through 11th Lea, and a few cases that were to appear in 12th Lea. The sections of the code were renumbered, but the original numbers were retained, in brackets, in the margin. This compilation is usually designated as Milliken & Vertrees' Code.

While the compilations of Thompson & Steger and that of Milliken & Vertrees are each commonly given the title of "Code," and sometimes "Revised Code," our Supreme Court has held, in

the case of Burnett vs. Turner, 3 Pickle, 124, that there is no "Revised Code" of Tennessee, the Legislature not having adopted or enacted any compilation of our statutes as such, since the enactment of the code in 1858, which being the first code is not itself a revision, but is the original and only Code of Tennessee.

SHANNON'S CODE SUPPLEMENT.

To bring Milliken & Vertrees' Code up to date, R. T. Shannon, of the Nashville bar, published, in 1893, under the title of "Code Supplement" the public and permanent statutes, passed from 1885 to 1893, inclusive. The work is intended as a supplement to the Milliken & Vertrees' Code, and is properly and consecutively arranged with reference to its sectional numbers. It brings the statute laws of the State down to this date, and is better arranged than the supplements to either the former compilations.

This ends the list of compilations of Tennessee statute laws. The formation of the system was complete with the enactment of the code of 1858. All subsequent compilations have looked only to the incorporation, under the same plan and arrangement, of the acts passed subsequent to its adoption. It is an admirable system, and peculiarly adapted to the wants of the people for whose government it was intended. The State owes much to the circumstance, that during the whole of its formative period, her ablest lawyers were induced to devote their great learning and ability to building and binding her statute laws into the splendid structure it has assumed. No list of the most eminent lawyers of the State would be complete, that did not contain the names of Haywood, Caruthers, Nicholson, Meigs and Cooper, and so long as our present system is maintained, it will be a monument to their just conception of the genius of our laws, and the intelligent labor with which they reduced them into a system, and in an especial manner, to the analytic and systematic mind and untiring labor of Judge Cooper.

[NOTE.—This article was prepared before the publication of Shannon's Code, which is the one now in use.]

MEMORIAL OF THE PRESIDENT AND TRUSTEES OF THE UNIVERSITY OF NASHVILLE, TO THE CONGRESS OF THE UNITED STATES.*

MEMORIAL.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled:

Your memorialists, the President and Trustees of the University of Nashville, formerly called Cumberland College, in the State of Tennessee, respectfully represent: That the State of North Carolina made it an express condition of the cession to the United States of that part of the Western Territory which now constitutes the State of Tennessee, "that its inhabitants should enjoy all the privileges, benefits and advantages, set forth in an ordinance, made by Congress for the government of the Territory Northwest of the River Ohio." In the third article of that ordinance, which contains a compact between the original States, and the people and States in the Territory, it is stipulated, "that religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." It was a further condition of the cession by North Carolina, that the vacant and unappropriated land in the ceded Territory, should be liable to the claims of the officers and soldiers of her continental line, and others who had made entries agreeably to law, without limit as to the period of such liability. Another condition was, that the Governor of North Carolina, for the time being, should have the power to perfect by grant or otherwise, all incipient titles. Subject to the foregoing conditions, and to others not material to the object of this memorial, the whole of the territory included in said cession, became the property of the United States, and liable to be disposed of as other parts of the National domain.

Your memorialists further represent, that the embarrassing nature of the conditions of the cession act, and the violent and disagreeable conflict between the States of North Carolina and Tennessee, which grew out of those conditions, prevented Congress from complying with the engagements to supply the means of education to the inhabitants of the ceded territory, by the appropriation of lands within its limits for

*A pamphlet in the possession of the University of Nashville.

that purpose: and this engagement could not be fulfilled until those States by settling their controversies, gave the power to do so. North Carolina, by an act passed in 1803, proposed, with the assent of Congress, to alter the terms of cession so as to give to the State of Tennessee the exclusive right of perfecting titles, and settling claims to land provided for in the conditions of the cession act. The proposition of North Carolina was accepted by an act of the legislature of Tennessee, passed in 1804, and the provisions of these acts of the contending States were assented to by Congress, by an act passed the 18th of April, 1806; and upon the application of the State of Tennessee, and in consideration of a stipulation on her part that all the lands lying west and south of a line established by said act of Congress, and generally known by the name of the Congressional Reservation line, should be and remain at the sole disposition of the United States, Congress ceded and conveyed to the State of Tennessee, all the right and claim of the United States to the vacant and unappropriated lands lying north and east of said line. This act of Congress, together with the act of the legislature of Tennessee, ratifying and accepting the terms, which passed the 26th of September in the same year, is in the nature of a compact between the State of Tennessee and the United States.

The condition of the cession of the vacant lands north and east of the Congressional Reservation Line, was, that the State of Tennessee, besides satisfying the North Carolina land claims, according to the provisions of the cession act of North Carolina, should also appropriate one hundred thousand acres to be located in one entire tract within the limits of the lands reserved by the laws of North Carolina for the use of the Cherokee Indians, which should be for the use of two Colleges, one in East Tennessee and one in West Tennessee, and one other hundred thousand acres in one tract, within the same limits, for the use of Academies. The tracts of land thus to be appropriated for the use of Colleges and Academies, were required to be located on lands to which the Indian title had been extinguished, and subject to the disposition of the legislature, but were not to be granted or sold for less than two dollars per acre, Congress intending to provide a fund of one hundred thousand dollars for each of the Colleges to be established in the State, and two hundred thousand dollars for the support of Academies.

Your memorialists further represent, that the lands reserved for the use of the Cherokee Indians by the laws of North Carolina, and which had never been subject to entry, embraced a tract of country south of French Broad and Holston and west of Big Pigeon rivers, to which the Indian title had been, by several treaties, gradually relinquished, and had been settled

by occupants many years previous to the time of the passage of the act of Congress of 1806. The rights of occupancy and pre-emption in the settlers of this tract of country, were respected by North Carolina in the act of cession, and they were secured in those rights by the constitution of the State of Tennessee, so far as the power of the convention which formed that constitution was competent to do so. Congress completed that security by providing in the compact between the United States and Tennessee, that those settlers should have titles to the lands claimed by them respectively, not exceeding six hundred and forty acres each, at a price not less than one dollar per acre. The claims of the occupants extended over the whole of the country embraced within the reservation to the Cherokee Indians, which was fit for cultivation, and to which the Indian title had been extinguished prior to 1806; and the State of Tennessee, therefore, found herself embarrassed in attempting to comply with the conditions of the compact, as to laying off the lands to Colleges and Academies. It was concluded almost of course, that the occupants had a right to the lands, and yet, as there was no other tract of country then subject to the control of the legislature, upon which the College and Academy land could be located, that provision of the compact which required that the College and Academy land should not be sold for less than two dollars per acre, could not be satisfied without compelling the occupants to pay that price. Substantial justice, it would seem, might still have been done to the interests of education, consistently with the claims of the occupants, by delaying the location of the College and Academy lands, until the territory for that purpose could have been acquired from the Indians: a necessity which the expression used in one of the conditions of the act of Congress of 1806, seems to have contemplated, or by appropriating so much of the country claimed by the occupants, as would produce, at the minimum price, the fund designed by Congress for Colleges and Academies. What acts were passed by the Legislature of Tennessee, under those embarrassments, and the policy since pursued in relation to the subject, will be seen by the following statement of their legislative proceedings:

By an act passed on the 6th day of September, 1806, the legislature provided that occupants south of French Broad and Holston, and West of Big Pigeon rivers, should be entitled to grants for their respective claims, by the right of occupancy, at the price of one dollar per acre, to be paid in ten equal, annual instalments, the first of which was made payable on the first of March, 1808, and one tenth on the first day of March in each successive year, until all should be paid, and each instalment to bear interest from the time it should

fall due until paid. By the same act, one hundred thousand acres of land were directed to be laid off for the use of Academies, and as much for the use of Colleges, in the district of country held by occupants, and the Treasurer of the State was directed to keep a separate account of all moneys received from the occupants within the bounds of the tracts of land thus appropriated for the use of Colleges and Academies.

On the 11th of September, 1806, a charter in the common form, and conferring the ordinary powers, was granted to the "Trustees of the Cumberland College," and one-half of the proceeds of the sales of the one hundred thousand acres of land directed to be laid off for the use of the Colleges, by the preceding act of the 6th of September, was vested in the Trustees of said College for its use and benefit. At the same session of the legislature, an Academy was by law established in each county, and at a subsequent session, on the 26th of October, 1807, East Tennessee College was incorporated, by the name of the "Trustees of East Tennessee College," and endowed with the other moiety of the proceeds of the sales of said one hundred thousand acres directed to be laid off for the Colleges.

Your memorialists further represent, that as early as the third day of December, 1807, the legislature of Tennessee passed an act postponing the time provided for the payment of the first instalment due by the occupants, until the 1st of March, 1809, and granting another year on each succeeding instalment that was allowed by the act of 1806, and this, too, without the consent of the Colleges. Interest was reserved, however, by this act, to be paid on each instalment from the time the same was to have been paid by the terms of the original act.

By the act of the 22d of April, 1809, the legislature again interfered, postponed the payment of the first instalment due by the occupants in the district of country surveyed for the Colleges, until the 15th of July, 1811, and provided that the balance of the moneys due by them should be paid in nine equal instalments from that time, but reserved the interest, as before. On the 8th of November, 1809, further relief was extended to the debtors of the Colleges and Academies, by enacting that the interest only should be paid at the periods fixed for the payment of the principal, by the act of April of the same year. By an act passed on the 11th of October, 1811, the legislature gave time for the payment of the interest due, until the first day of November, 1813, and required that on the first day of November, in each succeeding year, the interest should be paid which should have accrued on the principal debt. Further relief was granted to the occupants by the act of September 21st, 1812, by remitting the interest which had

accrued on the instalments which were to have been paid in 1810 and 1811, upon the ground that the legislature had appointed no person to receive the sums due, when, in fact, the interest only was, by the act of 1809, required to be paid in those years.

Encouraged by the success of former applications, the occupants appealed to the legislature for further relief in 1813, which was granted by suspending the payment of the interest already due and not remitted, until the first day of November, 1815, and by providing that no interest should accrue on any instalment then due, or to become due during the period of such indulgence. Similar relief, both as to the suspension of the payment of interest due, and the accrual of it, was granted by the act of 6th October, 1815, to operate till the first day of November, 1817. The legislature, by their act of the 12th November, 1817, suspended the payment of the principal of the debt until the end of the next ensuing stated session, which was a period of two years; and enacted further, that the interest then due should be paid in three annual instalments from that time, and the collection of the interest to become due in 1818 and 1819, was suspended until the next session of the legislature. By an act passed on the 19th October, 1819, the payment of the principal due by the occupants, was suspended indefinitely, and the interest due for the year 1818 was required to be paid on the first day of November, 1820, and that for 1819, on the 1st day of November, 1821.—On the 8th day of November, 1821, the sales of the land for interest were suspended, and two-thirds of the interest then due on the purchase money, were required by the legislature to be paid on or before the first day of May, 1823; and an act of the 20th August, 1822, substituted the first day of November, 1823, in lieu of the first day of May, mentioned in the act of 1821. The legislature of Tennessee, by an act passed the 15th November, 1823, provides for the remission of one-third of the whole amount of debt and interest due from the citizens south of French Broad and Holston, which should remain unpaid on the first day of May, 1824, on the condition that they paid in seven instalments, the balance that should be due; one fifth part on the first of May, 1824, and one-sixth of the remainder, with interest on each instalment, on or before the first day of May in each successive year. The legislature also, by that act, vested the proceeds of the land sold in the tract of country south of French Broad and Holston, which had been surveyed for the use of the State, in the Colleges and Academies, one-half for the Academies, one-fourth to East Tennessee College, and one-fourth to Cumberland College. After the passage of this law, your memorialists expected that the sums intended to be secured for the benefit

of the Colleges, would have been punctually paid. This just expectation has not been realized. In 1824, considerable payments, though not by any means amounting to the sums required by the act of 1823, were made by the occupants and settlers; but, in 1825, they almost unanimously refused to comply with the provisions of the law. Your memorialists do not believe that a resort to legal coercion would be attended with any success; on the contrary, it would operate to the ruin and injury of both parties. The section of country is extensive; the inhabitants are very numerous; the portions of land claimed by individuals are in small tracts, many of which are poor and unproductive; and those in the possession of land of the latter description, are wholly unable to pay the demands of the Colleges upon them. It is confidently believed, that not more than one-half of the debt, provided for by the act of 1823, will be paid.

Immediately after the passage of this act of 1823, and upon the faith of the regular payment of the instalments as they became due, your memorialists came to the determination of reviving Cumberland College. Several additional buildings have been erected, and your memorialists have contracted considerable expenses, in defraying some of which they have been assisted by the liberality of their fellow-citizens; but owing to their disappointments in receiving the sums that they had a right to expect, under the provisions of the act of 1823, they still labor under many difficulties and embarrassments, from which they cannot expect to be relieved while their funds are withheld from them, and they neither receive principal or interest. If they could have the regular income to which they are entitled, the prospects of the institution would be very flattering, and its usefulness promises to be so extensive, that your memorialists feel the deepest interest in its prosperity.

From the foregoing statements it will appear that each of the Colleges, by the first step taken by the legislature in complying with the provisions of the act of Congress, sustained a loss of one half of the amount of funds contemplated by that act for their support, and that the other half, by reason of the interference of the legislature from time to time, has been rendered unavailable for the greater part of it, and that a great portion of the interest upon that part has, by the same means, been wholly lost to the Colleges. Your memorialists had entertained the hope, that the fund originally intended for the use of the Colleges and Academies, would have been provided by the legislature out of the proceeds derived from the sales of a part of the lands reserved for the use of the Cherokee Indians, by the laws of North Carolina, which were acquired by treaty from them in 1817 and in 1819, or of other

lands that are subject to the disposition of Congress. In this your memorialists have been disappointed.

Your memorialists further show, that Congress, by an act passed in April 1818, provided for the satisfaction of North Carolina land claims out of the tract of country in the State of Tennessee lying south and west of the congressional reservation line, and authorized the State of Tennessee to issue grants and perfect titles on all unsatisfied claims. Nearly all these claims have now been satisfied, and there will remain some vacant and unappropriated lands in that section of country belonging to the United States. These lands lie in detached parcels, are bounded by old or recent surveys, authorized by the laws of Tennessee or North Carolina. and are scattered over a tract of country extending from east to west about one hundred and fifty miles, and from north to south one hundred miles. The best portions of this district have been already appropriated by private individuals, in satisfaction of North Carolina claims. The parcels still belonging to the United States are of very inferior quality, and of little value. Were all these unappropriated lands sold by the United States they would produce but little, an amount not worthy of consideration after the expense of surveying and selling the same were deducted.

Your memorialists further show, that by the second article of a treaty between the United States of America and the Chickasaw Nation of Indians concluded and signed on the 19th October 1818, and ratified on the 7th day of January 1819, the Chickasaw Nation ceded to the United States all claim or title which the said nation had to the land lying north of the south boundary of the State of Tennessee, which is bounded south by the thirty-fifth degree of north latitude. By the sixth article of said treaty, it was agreed that the line of the south boundary of the State of Tennessee, should be ascertained and marked by commissioners appointed by the President of the United States, and said line sometime in 1819, was supposed to be ascertained, and was actually marked as the true line under said article of the treaty, and was considered and regarded for several years as the southern boundary line of the State of Tennessee. Subsequent observations made by able mathematicians appointed by the States of Tennessee and Mississippi, have demonstrated that the line run and marked in 1819, is not the true southern boundary line of Tennessee, but that the distance between the old line on the Mississippi river, and the true line is four and one half miles and 514 feet, and the whole content of the land between the two lines amounts to 215,927 acres. The causes of the mistake in running the old line can be satisfactorily explained.

Your memorialists further show, that by the treaty with the Chickasaw Indians, made on the 20th October 1832, and ratified on the first day of March 1833, the Chickasaw nation ceded to the United States all the lands which they owned on the east side of the Mississippi river, which were to be surveyed and sold, and the money arising from the sales of the land, were to be paid over to the Chickasaw nation.—Whether under the provisions of this treaty the land to be sold, will embrace the land within the limits of the State of Tennessee, north of the 35th degree of latitude, which is south of the line run by the commissioners appointed under the treaty of 1818, your memorialists cannot decide, nor would it be proper for them to obtrude their opinion.

Considering the difficulties in which the claims of the Colleges have been, and still are involved, the losses sustained by the non-payment of the principal and interest due to them, and by the delay of any provision for one half of the fund granted by the act of Congress of 1806, your memorialists pray that Congress would pass a law, indemnifying the Colleges for these losses, and grant them so much of the vacant and unappropriated land south and west of the congressional reservation, within the limits of the State of Tennessee, or so much of other land elsewhere subject to the disposition of Congress, as will be sufficient to make up the whole fund, both principal and interest, of which the benefit would have been enjoyed had the spirit of the compact between North Carolina and the United States, and the act of Congress of 1806, been complied with; and your memorialists upon receiving this relief, will relinquish all claims whatever upon the lands south of French Broad and Holston, that the citizens of that section of country may enjoy the land free from any dispute, and a settlement be made of a question that has produced great embarrassment and disquietude.

By order of the board of Trustees of the "University of Nashville."

WILLIAM CARROLL,
THOMAS WASHINGTON,
DAVID CRAIGHEAD,
FRANCIS B. FOGG,
} COMM.

NASHVILLE, February 1834.

REV. THOMAS CRAIGHEAD.

BY JNO. M. BASS.

The man who was placed at the head of the first incorporated institution of learning in the Cumberland settlements was by inheritance a Presbyterian and a preacher. His father Alexander Craighead, his grandfather Thomas, his great grandfather Robert were all ministers of this faith, and evidently partook largely of the traits of the Scotch-Irish race to which they belonged.

After having preached elsewhere in Ireland for thirty years, Robert Craighead became minister of a church in Londonderry, the home of Irish protestantism, and was in that city when it suffered the memorable seige by James II., beginning April 18, 1689, and lasting one hundred and five days. Mr. Craighead escaped from the city on the second day of the seige; and subsequently resuming his ministerial work died there in 1711. He had published a number of theological treatises, had actively participated in the religious controversies of the time and had evinced the argumentative and independent disposition which has showed itself in several of his descendants. One of his sons, Robert, Jr., though not an ancestor of Thomas Craighead, was educated at the Universities of Glasgow, Edinburgh and Leyden, and was for some thirty years an able minister at Dublin. In obedience to a request from the Lord Justices of Ireland, he, with Rev. Mr. Iredell, also of Dublin, prepared for them a memorial setting forth the grievances of the Irish protestants, and explaining the causes of their migration to America; he was subsequently sent twice by his Synod to London in the hope of securing more tolerant treatment of protestants, and died in Dublin in 1738.

Thomas Craighead, son of Robert, Sr., the first of the family in America, was educated for the medical profession and after practicing in Scotland for some years, became a minister and preached in Donegal, Ireland. He came to New England in 1715, and while living near Boston received the earnest commendation of Cotton Mather, who wrote to a friend that Mr. Craighead's leaving would be a "damage not without horror to be thought of."

He moved, notwithstanding, to Delaware, where he was Moderator of the Synod in 1726; thence to Lancaster County, Pennsylvania, in 1733, preaching in that and neighboring counties until his death in 1739. He was installed in his last pastorate by his son Alexander Craighead, and died in his pulpit at Newville at the close of an impassioned sermon.

His biographer (James Geddes Craighead) records of him an incident which could be true only of a man of strong convictions and stern determination. He was charged by the session of his congregation with refusing to permit his wife to partake of the communion. The Presbytery which considered the charges contented itself with assigning Mr. Craighead to a new field. Complaint was made by his new congregation for the same reason, and the minister was again called before the Presbytery. Mr. Craighead "finally consented that the session should allow his wife to come to the Lord's table," the latter stating that she "had nothing to complain of, except this single act, and that he had uniformly treated her with kindness."

The Presbytery consented to withdraw all action in the case, but instructed Mr. Craighead that his son, John and his family must no longer continue to live with him.

Alexander, the fourth son of Thomas Craighead, became a preacher in the Presbytery of Donegal, Pennsylvania, in 1734. He is said to have been earnest, fervid, and an active promoter of revivals, as was his father. His independence alienated from him his fellow-ministers in the Synod, and he removed to Virginia in 1749. He had published a pamphlet in Pennsylvania, which was so outspoken on the subject of personal and religious liberty that one of the king's justices for Lancaster County laid the matter, in 1743, before the Synod of Philadelphia. Whatever the Synod may have thought about the matter, they found it expedient to declare the pamphlet "full of sedition and treason," disclaimed sympathy with the writer, and declared their "abhorrence of the paper, and, with it, all principles and practices that tend to destroy the civil and religious rights of mankind, or to foment or encourage sedition or dissatisfaction with the civil government we are now under, or rebellion, treason, or anything that is disloyal."

Alexander Craighead removed from Virginia in 1755, accompanied by most of his congregation, to Mecklenburg County, North Carolina, where he resided until his death, in 1766. His biographer suggests that, as the radical difference of opinion on civil government and religious freedom between him and the Synod caused Mr. Craighead to leave Pennsylvania, so in Virginia he chafed under the exactions

of the English Church, which would not allow Presbyterians the right of marriage by their own ministers and compelled their support of preachers whose services they did not attend.

Of the influence of Mr. Craighead in North Carolina, Rev. A. W. Miller, in his discourse at Charlotte in 1875, on the centennial anniversary of the Mecklenburg Declaration, said: "To the immortal Craighead, a Presbyterian minister who settled in Mecklenburg in 1756—the only minister between the Yadkin and the Catawba—who found in North Carolina what Pennsylvania and Virginia denied him (sympathy with the patriotic views he had been publicly proclaiming since 1741)—to this apostle of liberty the people of Mecklenburg are indebted for that training which placed them in the forefront of American patriots and heroes. It was at this fountain that Dr. Ephraim Brevard and his honored associates drew their inspirations of liberty. So diligent and successful was the training of this devoted minister and patriot—so far in advance, even, of the other Presbyterians of every other colony had he carried the people of this and adjoining counties—that, on the very day (May 20, 1775,) on which the General Synod of the Presbyterian Church, convened in Philadelphia, issued a pastoral letter to all its churches counselling them, while defending their rights by force of arms, to stand fast in their allegiance to the British throne—on that day the streets of Charlotte were resounding with the shouts of freemen, greeting the first declaration of American independence."

The members of the convention who framed the Mecklenburg declaration were all connected with the seven Presbyterian churches of the county, and, as Mr. Craighead's church was, in some measure, parent to all these, it is possible the speaker did not overestimate the influence of his patriotic teachings. Mr. Craighead died in 1766, and did not see embodied in the Mecklenburg declaration, or vindicated by the successful issue of the war of the revolution, the principles which he had so boldly advocated.

Such were the ancestors of Thomas Craighead.

When the Legislature of North Carolina, in 1785, incorporated Davidson Academy, to be established at Nashville, Rev. Thomas Craighead, Hugh Williamson, Daniel Smith, William Polk, Anthony Bledsoe, Lardner Clark, Ephraim McLean, Robert Hays, and James Robertson were appointed trustees. It is stated by Putnam (page 235) that, "during his attendance as a Representative in the Assembly, Colonel Robertson became intimately acquainted with Rev. Thomas B. Craighead, a Presbyterian minister who had made preparations to visit the settlements in Kentucky and to settle and preach

somewhere among the new western stations. At the solicitation of Robertson, Mr. Craighead consented to be enrolled as a trustee, and under him Davidson Academy was begun."

No doubt the patriotic Robertson felt quickly drawn to the son of the man whose utterances had gone so far toward the accomplishment of American liberty, and, with his well known sagacity, recognized in Mr. Craighead a man equal to his task.

Thomas Craighead was the oldest son of Alexander. It is stated he was born in Mecklenburg County, about 1750; but Alexander Craighead was a resident of Virginia until 1755 or 1756.* Thomas was graduated from Nassau Hall in 1775, studied divinity, and was ordained in 1780. At the request of the session he supplied for a time the pulpit of the church in which his father had preached, but declined to remain there. It is possible he regarded it imprudent to attempt to fill the pulpit so long and so ably occupied by his distinguished father.

One sketch of Thomas Craighead states that soon after this he removed to Tennessee. Mr. Putnam, in a paper prepared for the Tennessee Historical Society, and deposited in its archives, states that Mr. Craighead went first to Kentucky, but did not long remain there, coming to Tennessee in 1785. He was married in 1780, to Miss Elizabeth Brown, of Frankfort, Kentucky. The Trustees of Davidson County met in August, 1786, organized the school, with Mr. Craighead as its President, and ordered that it should be conducted at the Springhill meeting-house, which was his church, and near which he lived. Apparently, the first conveyance of land to Mr. Craighead in Davidson County was from Lardner Clark, of Nashville, dated March 10, 1789, of 200 acres, for the consideration of $122. Another deed was from John Buchanan, February 7, 1794, of 640 acres, for 40 pounds current money of the State of North Carolina. Another was from Lardner Clark, May 6, 1795, to Thomas Brown Craighead, for one-half of 328 acres on West Harpeth; and another from George McWhirter, April 17, 1796, for one-half acre, "joining said Craighead's tract, commonly called the Spring Hill," for 20 shillings.

Mr. Putnam states that it was the second of these deeds which conveyed Spring Hill to Mr. Craighead; and that, as a proof of the attachment of the people of Davidson County for him, and with the wish that his family should enjoy an inheritance among them, it was resolved to purchase for him the tract of land on which he lived, and where he established the church and Davidson Academy, and a few individuals under-

*Putnam says Alexander Craighead went to North Carolina in 1757.

took to secure the necessary amount; but it was not until the close of 1793 that John Buchanan was paid in full and perfected the title. On this tract, which is five miles north of Nashville, and near which the settlement called Hayesborough stood, Mr. Craighead lived and was buried. The residence he occupied is still in good preservation, but no part of the property is in possession of his descendants.

It is to be regretted that so little is known of Mr. Craighead as a teacher. The earlier records of the little institution over which he presided are gone, and nothing remains to indicate its attendance or course of study. A list of textbooks used there, heretofore published in this magazine, shows the instruction to have been higher than might be expected in a community so new, so illy furnished with roads, and where the children, to some extent, must have been called on often to share the manual labor of the farms. In addition to these causes of irregularity, the Cumberland settlements were not free from the danger of Indian invasion until 1794.

His term of service—twenty-three years—in the academy and its successor, Cumberland College, proves his ability and the value of his services as an instructor. It was a limited and primitive society in which he lived, in which each member's character was soon known to his fellows. The example of Mr. Craighead's upright life, and his intelligent instruction in church and schoolroom, must have produced results permanently beneficial to the little community in which he spent nearly forty years. For the time, he had been well educated. The denomination whose principles he taught has always maintained an educated ministry; and in all his controversies with the official bodies of his church, he retained the respect and affection of his associates.

Putnam describes Thomas Craighead as tall and erect, of ruddy complexion, sandy hair and blue eyes, his voice clear, his enunciation distinct, and his gait dignified; in the pulpit usually calm, but sometimes vehement; eloquent, persuasive, and popular.

Rev. John Carr ("Early Times in Tennessee") an early Methodist preacher of Davidson County, says of him: "I do not hesitate to say that the Methodists were the first to sow the gospel seed in Middle Tennessee. True it is that Parson Craighead had a Presbyterian congregation, to whom he preached regularly at Spring Hill, Davidson county; and I recollect of his making one visit to Mansker's Station during the time I lived at that place. Mr. Craighead was a man of learning, and his address was beautiful, but his preaching was lifeless and without power—a dull, formal affair."

Mr. Carr, as is evident from the unqualified approval given in his narrative to the vehement religious manifestations com-

mon about 1800 in Tennessee and Kentucky, believed in more strenuous preaching than was usual among Presbyterians. Of a congregation of that faith in Sumner county, he says: "With a few exceptions, they were a cold, dead people." In describing a great revival on Red River, in the summer of 1800, he says: "Messrs. McGrady, McGee, and Rankin were the Presbyterian preachers who labored at the meeting. Parson Craighead was also in attendance. Such displays of Divine power as were then seen, I had never before witnessed. Under the preaching of McGrady and McGee the people fell down like men slain in battle. Parson Craighead appeared to be friendly to the work. All prejudice and bad feeling seemed to cease between the Presbyterians and the Methodists, and it was no easy matter to tell which of them were the more noisy in shouting the praises of God."

Rev. James Geddes Craighead says of this and similar meetings: "This religious awakening, though productive of large results in adding many members to the churches in Kentucky and Tennessee, and in increasing the activity of professors of religion, was attended with many extravagances, not to say very questionable and disorderly proceedings. While disposed to acknowledge every token of God's presence and blessing at the meetings held by these flaming revivalists, the more sober and discreet ministers could not but rejoice with fear and trembling. The measures adopted, the doctrines taught, and the physical manifestations so frequently seen, seemed to make many persons seriously question the genuineness of the work of grace, and others to deprecate the evils which were sure to follow. At this distance of time [1876] we can see that the judgment formed by some was too severe, for we know that much good was accomplished through the agency of these indiscreet preachers; still, there was sufficient to awaken the gravest apprehensions of the best men in the church. Accordingly, we find 'Father' Rice, Craighead, Lyle, and Blythe, the most trusted and honored pastors of the Transylvania Presbytery, not opposing, but discountenancing, the extravagances of the revival and the earnest advocates of order."

In 1805 the congregation of Shiloh church (Sumner county, Tennessee), dissatisfied with the erroneous doctrines taught and the extravagances allowed by their pastor, called Mr. Craighead. There had already been a division among its members, and Mr. Putnam says Mr. Craighead "neither found nor left this a situation of harmony and quiet." Meanwhile, he had fallen under the displeasure of his Synod, and a commission it had appointed propounded to Mr. Craighead a series of questions, thirty-one in number, designed to test

his belief in the doctrines of the Church, and especially on the subject of Pelagianism, with which he was charged. His answers to these were "considered agreeable to the Confession of Faith," but objection was made to some of the statements as ambiguous.

A sermon, on the Agency of the Holy Spirit in Conversion, preached by him at the Synod at Lexington, Ky., the following October (1806), revived the controversy, and Mr. Putnam says produced great amazement and excitement. This sermon was brought to the official notice of the Synod the next day, and, after a protracted debate, in which Mr. Craighead defended himself ably, its doctrines were judged inconsistent with the Confession of Faith, and he was earnestly entreated to be more cautious in the matter and language of his discourses. Three years later the objectionable sermon was published, with an addition, in which the members of the Synod were offensively characterized as men of small intellects, incapable of deciding the questions at issue. Rev. John P. Campbell, said to have been the ablest minister in the Synod, in reply to the published sermon, addressed a series of letters to Mr. Craighead, intended to show the errors of the sermon, which Mr. Craighead of course answered, and then Dr. Campbell issued a pamphlet, entitled "The Pelagian Detected," in which he indulged in some strong expressions.

The Presbytery of Transylvania summoned Mr. Craighead to appear before it in April, and again in October, 1810. He could not attend either meeting, and at the latter was suspended. This decision was approved by the Synod of Kentucky, and Mr. Craighead appealed to the General Assembly, the court of last resort. The controversy continued—it may easily be imagined with how much bitterness—until 1824, when it finally came for trial before the Assembly. The committee to which it was referred reported "that they disapprove of Mr. Craighead's preaching and publishing such a sermon before the Synod, and of his conduct as not conciliatory, and as setting his opponents at defiance, and commend the Synod and Presbytery for their watchfulness, zeal, and firmness in defense of the truth, and with grappling with one who was distinguished for his learning and eloquence, reputable in his character and standing in society, and venerable for his age." The committee then showed the errors in the proceedings of the Presbytery and Synod which they pronounced irregular, and finished by referring the whole matter to the Presbytery of West Tennessee; and "that it be directed to give Mr. Craighead an early opportunity to offer the satisfaction which the church expects; and upon receiving satisfactory explanation, he be restored to the ministry."

This Presbytery, in 1824, satisfied with Mr. Craighead's statements, reinstated him in the ministry.

This particular controversy had lasted nearly fifteen years, but Mr. Craighead's differences with his church covered a much longer period. Like many other quarrels over religious questions, these developed a strong party spirit.

Putnam says Mr. Craighead's "mind was greatly depressed while under these ecclesiastical restrictions, and they bore heavily upon him in his declining years. He was unwilling to die without reconciliation."

Mr. Putnam says, in the same manuscript, and without giving his authority, that "many of the proceedings instituted and measures adopted against Mr. Craighead may be traced to that remarkable man, Rev. Gideon Blackburn." A grandson of Mr. Craighead—Hon. Thomas D. Craighead, of Nashville—told the writer of this sketch that the quietus was finally given to the prosecution by General Jackson, who declared the matter had gone too far, and was injuring not only Mr. Craighead, but the church.

It seems certain that Jackson was the staunch friend of Mr. Craighead, and there were many reasons for it. Their residences, though separated by the Cumberland river, were but a few miles apart; they were associated as trustees of the academy and the college; both belonged to the same church and were descendants of Scotch-Irish immigrants. Jackson's mother is said to have found shelter with members of Alexander Craighead's congregation in North Carolina when she followed her son to Charleston, whither he had been carried a prisoner by the British, and was, during her last illness, cared for by a sister of Thomas Craighead.

When the news of the massacre at Fort Mims, in August, 1813, reached Nashville, and it was realized that the promptest action was necessary to prevent additional barbarities, Mr. Craighead was chairman of the citizens' meeting which inaugurated the retaliatory measures by which Jackson was put promptly in the field and inflicted bloody punishment upon the Creeks.

During one of Mr. Craighead's trials by his Synod, Jackson is said to have appeared as counsel for his defense; and on another occasion, when Mr. Craighead was making from the pulpit a lengthy and abstruse explanation of his convictions on theological questions, General and Mrs. Jackson are said to have sat far into the night, remaining attentive listeners, while the rest of the audience had gradually disappeared.

Mr. Craighead died in the autumn of 1824, according to Mr. Putnam; in 1825, it is stated by other authorities, surviving only a short time the termination of the controversy, which

must have grieved him deeply and seriously impaired his usefulness to his church.

NOTE.—In the compilation of the facts relating to Mr. Craighead, the writer has used largely the information contained in "The Craighead Genealogy," by Rev. James Geddes Craighead, who states that his account of Thomas Craighead's controversies differ widely from that given by Dr. Davidson in "Presbyterian Church in Kentucky." Mr. Putnam also criticises Davidson for inaccuracy. The letter to the Synod of Kentucky, which gave such offense, was published in the Nashville *Whig*, of October 22, 1816; and Mr. Craighead's eloquent address to the meeting of September 18, 1813, on the subject of the Fort Mims massacre, is also said to have been published, but neither has so far been found.

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WILLIAM LITTLE BROWN.

BY ALBERT V. GOODPASTURE.

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When I began practicing law at Clarksville, in 1877, Maj. Gus. A Henry had just published his charming "Reminiscences of the Clarksville Bar." In it he stated that William L. Brown "had more traditionary reputation than any man who ever appeared at that bar." From time to time I found scant refererences to him in our histories. I came across James Ross' notice of him while he was a member of the Clarksville bar; I saw Judge Guild's comical account of their first meeting at Nashville; and I read Gov. Foote's glowing tribute to his talents and virtues, but nowhere have I been able to find any attempt at a connected account of his life. Last spring, through the courtesy of my friend, the late Dr. William L. Brown, I had two papers placed in my hands which throw much light on the life and character of this extraordinary man. They were a family genealogy prepared by his father, Dr. Morgan Brown, and a diary kept by himself during many years of his youth and young manhood.

The Browns were of English descent. They traced their lineage back to Sir Anthony Brown, master of horse to King Henry VIII, on whom was conferred the "singular privilege of wearing his hat in the King's presence." His son Anthony, Viscount Montague, was the father of the celebrated religious reformer, Robert Brown. Sir Robert Cecil, when he was Secretary of State, gave Edward, the son of Robert Brown, who

was his friend and kinsman, employment in his office, where he was associated with George Calvert, afterwards Baron Baltimore. When Lord Baltimore obtained the grant of Maryland, Edward Brown sailed with his first party of colonists, landing at St. Mary's in March, 1633. The grandfather of William L. Brown emigrated from Maryland in 1750, and settled at the Grassy Islands on Pee Dee river, in Anson county, North Carolina, where his father, Dr. Morgan Brown, was born, January 13, 1758.

Just across the state line, near the old Cheraw, in South Carolina, was the home of Elizabeth Little. She, too, was of honorable family. Her mother, whose maiden name was Catherine Stewart, could trace her ancestry back, through a long line of Scotch nobility, to Robert, Duke of Albany, who was third son of King Robert II, of Scotland. She was second cousin to Charles Stewart, who represented Montgomery county in the Tennessee Legislature in 1801, and to Duncan Stewart, who was elected from the same county to the State Senate in 1803, and again in 1805, and for whom the County of Stewart was named. Her father was the son of Chief Justice William Little, and the grandson of Chief Justice Christopher Gale, of the Proprietary government of Carolina.

At the Little homestead, Dr. Morgan Brown and Elizabeth Little were married in 1784, and there William Little Brown, their eldest son, was born, August 9, 1789.

Dr. Morgan Brown was a bold, resolute, masterful man. At the age of sixteen he was a leader in the American Revolution in North Carolina. In business affairs he evinced the same daring energy and determination. In 1795 he removed to Tennessee, then the Southwest Territory, and settled on the south bank of the Cumberland river, at the mouth of Deason's creek, in the present County of Montgomery, just midway between Memphis and Louisville. The country was rough and broken, with rich valleys and pure water. Here he went to work with great energy. He laid out a town, which was established by the Legislature in 1796, under the name of Palmyra. He had sufficient influence and address to have this town made a port of entry in 1797—then the only port of entry in the West. Two years later, however, Palmyra was deprived

of this distinction in favor of Cincinnati. He erected a mill, a business in which his father had made a fortune in North Carolina.

About 1802 he built a furnace some three and a half miles from the mouth of Yellow creek, for the manufacture of iron out of the ores contained in the hills around Palmyra. This was perhaps the first "iron works" started in Montgomery county. He had a store, and carried a stock of drugs, which he sold to the public, as well as dispensed in the practice of his profession. He bought and sold lands, which he had learned to survey at so tender an age that he could not remember when he was ignorant of the art. In the meantime he had been elected chairman of the County Court of Pleas and Quarter Sessions of Montgomery county, in 1800, and continued to hold the office until he removed to Kentucky, in 1808.

This was the state of his father's affairs when William L. Brown reached the age of fifteen, and began keeping his diary January 1, 1805. He had evidently been to school, though I do not know where or to whom. His journal for that year shows that he was then going to school, in a desultory sort of way, in the neighborhood. He wrote a fairly good hand, spelling quite well for one of his age, and expressed himself with unusual facility. He manifested a remarkably sweet, lovable spirit, though painfully restless and eager in his aspirations for the future, but, withal, patient and assiduous in his preparation for it. His diary is written with absolute frankness, recording his every thought and feeling, but with hardly more than an incidental reference to events transpiring around him.

He was a frail, delicate boy. Week after week he refers to the distressing headaches from which he suffered. Notwithstanding his feeble constitution, he showed an astonishing aptitude for business, as well as books. He did everything. I speak now of the period from January, 1805, to July of the same year, when he made his first trip to Kentucky. He cared little for the ordinary diversions of the neighborhood. He trapped some on the bluffs around Palmyra, but, apparently, with little relish. Occasionally he went hunting with his friends, but, although he saw deer, turkeys and otters on these excursions, he never bagged any more important game than a

squirrel. He does seem to have relished the pleasures of the sugar camp, and was very fond of cock-fighting. He did something in the medical and surgical way, in addition to filling his father's prescriptions. He mentions having prescribed for Mr. Bingham. He physicked "Will;" dressed a seaton in Capt. Knox's neck; and dressed a wound for Maj. Ross' "Harry" for half a pound of sugar. He assisted Dr. McElrath in taking an invoice of the medicines in the storehouse, and also assisted Mr. Thomas in making an almanac. He kept the accounts of the mill, acted as his father's amanuensis, and assisted him in "bringing up his books." He also shipped iron to Palmyra for Maj. Tatum, and otherwise busied nimself about the forge.

Meanwhile he was going to school, reading voraciously, and had taken up the study of law. On the 11th of January, 1805, he makes this entry: "This morning I read Staunton's Embassy to China until 8 o'clock when I thought I would take an invoice of the books I bought of Duncan Robertson, Nashville, Nov. 29, 1804, viz.:

Miller's Retrospect, 2 vols	$6.00
Gibson's Surveying	3.00
Staunton's Embassy	4.00
Sympson's Euclid	4.00
Pike's Arithmetic	3.00
Parks' Travels	2.75
Gil Blas, 4 vols	4.00
Girl of the Mountain, 2 vols	2.75
Ambrosia, 2 vols	2.75
Mysteries of Udolpho, 3 vols	4.00
Beggar Girl, 3 vols	4.00
Emmelina, 3 vols	4.00
Cecilia, 3 vols	4.25
Camila, 3 vols	4.00
Royal Captives	1.00
Grasville Abbey	—
The Man of Feeling	1.25
1 Blank Book	.50

10 per cent is to be deducted off the whole amount."

These books he read with the greatest delight and assiduity. In addition to these he was reading Blackstone's Commentaries. His journal shows almost a pathetic eagerness to take a course of study in the law. On the 12th f January he gives

this interesting scene: "After supper papa and mamma got to talking about some money, and ma said if she had it she knew what she would do with it, which was to send me somewhere to study; and then they agreed to send me to study law with Judge Overton." Then on the 18th: "Uncle James stayed here last night and papa talked of sending me to study with Maj. Tatum, who is expected here constantly. God knows whether I will go at all or not." Finally, on the 21st: "Well the jig is up! Papa has asked Maj. Tatum his advice, and he has advised him to keep me at home this two years. Well, what they please. Be it so."

He was a boy of expedients, as the following incident will show: George West was a retired old sea captain, of both sense and substance, who settled, in a very early day, at a place near Palmyra, which he christened "Sailor's Rest." His sons were prominent in the industrial development of the state before the Civil War. His daughter Mary married Parry W. Humphreys, a distinguished jurist and statesman, father of the not less distinguished West H. Humphreys. This is the account young Brown gives of that event: February 5, 1805: "We got an invitation to the wedding at Capt. West's." 6th: "I did not know what to do for shoes to go to the wedding, but I got D. Wells to cut them out, and I went and got old 'Fox' to make them, and I was to give him one bushel of corn." 7th: "This day I went to the wedding, and there was great doings. They were married by Mr. Harvy."

He sometimes has a vein of quiet humor in his writings. I cannot leave this part of his journal without quoting a paragraph from his description of one of his father's land trades. In 1805, David, Wright and George Outlaw, members of the distinguished East Tennessee family of that name, moved to Montgomery county. Young Mr. Blount brought them out to Dr. Brown's. They came on the 13th of January, and, as the diary records, "Papa and them talked about the rich land," which they seemed about to buy. They remained over night. The journal of the next day is as follows: "Last night I slept with one of them Outlaws, the biggest one. The man was clear and cool, and papa sent for some brandy by Uncle Will, and sat down a pint bottle of the brandy; there was a quart at first.

The men went away about 10 o'clock, after they had eaten breakfast. One of them was to be back to-morrow. After they went away papa took the brandy by degrees, and mamma and myself kept watering it to the last." I may be permitted to add that the trade was closed on the 4th of February, Outlaw "taking the tract of land above Craft's at $2.00 per acre, the money to be paid Deaderick and Tatum."

In July, 1805, Dr Brown bought an estate in Lancaster county, Kentucky, not a great way from Lexington, known as Hickman Mills. It included a farm, grist mill and saw mill. A half interest in this property was vested in William L. Brown, but when he went to Lexington, to enter Transylvania University, November 6, 1810, he reconveyed it to his father, as he says, "cheerfully and with self-approbation."

From the time of this purchase his life was a busy one. He had a special work on which to expend his restless energy. In 1805 and 1806 he made three trips to Hickman Mills, on business connected with the property. He also made a journey to Nashville, but I know not on what account. His journal is not kept regularly until his fourth trip to Kentucky, which he made in April, 1807. He now took personal supervision of the place, and operated it chiefly with their negroes, some twenty-eight of whom they carried. The negro Abram, who will be mentioned again, was his own property. He worked on the farm, superintended the negroes, kept the accounts of the mill; bought, sold and exchanged grain, lumber and farm products; closed up old accounts and settled disputed questions, always exercising tact and judgment. From the beginning of his journal he sets out all his financial accounts in his diary with scrupulous exactness. In a social way, he visited his friends, took in the muster, went to see the play, at Lexington, and kept up a dutiful correspondence with his father and mother, in Tennessee.

In the meantime, and in addition to his other labors, on the 11th of May, he took board with Capt. Anderson, the father of his friend, Billy, whom he loved very much, and entered a school in the neighborhood, taught by Mr. Wilson. He studied Euclid, Horace and Cicero, and began the study of Greek; he wrote compositions, and made extemporaneous speeches

in the debating society; he paid his contribution of 87 1-2 cents to the Lexington Library, and took out an encylopedia, Lady Montagu's Letters, Locke on the Human Understanding and Goldsmith's History of England; and he bought Gray, and Addison, and Pope's Essay on Man.

Thus he passed his time while in charge of Hickman Mills. His diary skips the period from August, 1807, to November, 1810. But enough appears from his accounts and memoranda to show that his father moved to Hickman Mills during the interval, perhaps in the summer of 1808.

In November, 1810, he entered Transylvania University, at Lexington, and opened the second volume of his diary. The university was under the presidency of Rev. James Blythe, M. D., a distinguished educator, who presided over it for fifteen years. He boarded with Dr. Blythe. His college duties were taken up with much enthusiasm. There was some hesitation, and consequent delay, in choosing his course of study. During this time he was "uneasy" and "depressed." "Thinking," he said, "without profit and spending time without acquiring knowledge." He was always subject to these distressing fits of the blues, in which, as he expressed it, "life appears a vast waste in which there is nothing to allure the weary worn traveler, and my soul appears a complete void, no pleasing, playful hope to sustain my drooping, dejected spirits." At last, taking comfort from Dr. Johnson's observation that "inconstancy is frequently the offspring of a vigorous and excursive imagination," he dropped Greek from his curriculum, and gave his whole time to Latin, English and philosophy. These he pursued with the utmost diligence. He also gave much attention to the debating society. There was one debate, however, in which his dignified and serious cast of mind did not allow him to participate. Here is his entry: "This evening our debating society met and adopted a constitution, and debated a subject, in which I took no part, being, as I thought, trivial—Whether are the citizens of France happier than the slaves of America."

While never timid nor shrinking, he was yet one of the most sensitive of beings. The slighest ridicule cut him to the quick. "There is a certain little animal," he writes, "whose name is

Winn, who possesses some wit, and a good share of blackguardism; he sometimes makes me uneasy by exercising his talents in each way upon me." He was deeply mortified by his landlady's inhospitality. Here is his account of it: "I have said that my friend, Anderson, was with me, dinner was set, and he went in with me. The hostess lowered, and scarce received him with civility. I was pained and embarrassed. In the evening, Underwood came up to sit a few minutes. Supper was announced. My soul writhed and swelled and trembled. He must be asked; in open friendship he assented. Mrs. H. looked horribly dark and sullen. Silence prevailed; but agony tore my bosom. The recollection has recurred momentarily to me, and bittered every thought."

His reading during this period included such works as Godwin's Political Justice, of which he was very fond; Hume's England, Milford's, and Gillie's Greece and Johnson's Rambler. He met the distinguished statesman, William T. Barry, then first elected to Congress, "and even the sight of him, and his conversation," he says, "inspired me with emulation." And a little later, as if to soothe his restless ambition, he visited the tomb of George Nichols, the great lawyer, and first professor of law in the university, and recalled the lines of Gray's Elegy: "Can honor's voice provoke the silent dust, or flattery soothe the dull cold ear of death?" Which he said was "an instructive lesson to young ambition."

His journal of this period does not extend beyond the 7th of December, 1810, but we may presume that the remainder of the session was spent in the same laborious, eager pursuit of knowledge. He did not continue longer than one session in Transylvania University.

His movements after he left the university are not fully disclosed, but we learn, from his accounts for 1811, that during that summer he was reading law with the distinguished jurist, John Haywood, with whom he was afterwards associated on the Supreme Bench of Tennessee, at his home, near Nashville. He left Judge Haywood's in August, and returned again in October, but, "in consequence," he says, "of some letters received, and on account of little Betsy's [his sister] alarming illness," he was called away again the last of November. He

was never afterward under Judge Haywood's instruction, but he takes occasion, in a subsequent entry in his journal, to commend certain advice Judge Haywood had given him.

Upon leaving Judge Haywood he went immediately to Palmyra, where his brother-in-law, Samuel Vance, lived, and thence to his father's, at Hickman Mills, where he arrived on the 9th of December.

On the 12th day of February, 1812, he went to board and study law with Joseph H. Hawkins, in Lexington, Ky. Hawkins was a member of the Kentucky Legislature from 1810 to 1813. Brown describes him as "a man of considerable genius, and very fine feeling, a high sense of honor, personal courage, and firm patriotism." Legislation being mentioned in their conversation, "he deplored the imbecility of the Kentucky Legislature, who are too fond of popularity to act with firmness and decision. 'Two men,' he says, 'give laws to the state, neither of them members: Martin D. Hardin and John Allen. God knows where the evil will terminate!'" Under Hawkins, his course of study embraced: Law, first, longest and most inflexibly. Cultivation of the powers of imagination. Research into the nature, power and beauty of language. Considerable attention to the etymology, history and exact meaning of words.

"Be it not forgotten or neglected,' he adds, "to read a portion of the sacred Scriptures every evening and contemplate on the sublime and awful subjects made known in that book."

He seems to have had his thoughts turned to the subject of religion by an event which aroused the whole country. On the 16th of December, 1811, occurred the first great shock in the series of earthquakes that shook the whole Mississippi valley. For a time the current of the great father of waters was turned back. In the western part of this state the earth sunk from the mighty convulsions, and the waters flowed in and formed Reelfoot Lake. These disturbances continued with decreasing force as late as the 4th of March, 1812. The day he went to Mr. Hawkins' "lively apprehensions of further shocks of the earthquake," he says, "still exist, and damp the usual ardor of pursuit, both in business and pleasure." Six days later, on the 18th, he says: "The great terror has been stalk-

ing abroad. Stars have been seen agitated in a very unusual and alarming manner. Celestial music has been heard hovering over this city. Some doubt, some dread, others openly laugh at these prodigies. To these particular reports I suspend my belief. Not that I think such things impossible, but I require great testimony."

Though he read law "first and most inflexibly," he found time to read much besides. His favorite books were Shakespeare and the Bible. Of the latter he says: "If you wish to be an orator, read the Scriptures; if you wish to find favor with heaven, obey them." He was giving much attention to oratory. "My maxim at present," he says, "is, study law, cultivate feeling. By culture I am convinced a man may give flexibility to his feelings, which will make him eloquent on every subject of interest." As to the mode of expression, he says: "Let it ever be remembered that force and directness are the best characteristics of speech. Consistent with perspicuity, let brevity be the object. If I can convey with clearness a volume of thought in one word, the effect is inexpressibly great."

His delicate, fragile constitution, always too weak for the prodigious mental energy it was required to support, sometimes gave him alarm. On the 23d of May he writes: "Two or three days agone the cholera morbus had very nearly taken me. It is very probable death will seize me within a few years. An active, abstemious life would perhaps cure and harden my constitution. Should the terrible goblin overtake me, all that I have to wish is readiness."

Events now transpired to make his already abstemious life more active. His brother-in-law, Samuel Vance, failed in business at Palmyra. He determined to sell Abram, equip himself well, buy some books, get a law license, and go to Tennessee and assist Mr. Vance in settling his business. "The completion of my twenty-third year approaches," he wrote, "and it is time that I had made an experiment of the success of my exertions in some way. These things I will execute if Heaven permit and bless my attempts. To pour the fruit of my labors on my sisters and brother, father and mother and Mr. Vance, would be balm to my soul."

In pursuance of this plan, on the 7th of July, 1812, he sold Abram to John Lowry, hatter in Lexington, a man of Abram's own choice. But he declares, "It is an awful thing to traffic in human beings," and renews a promise he had formally made to redeem him. This promise is recorded in a separate part of his journal, and is as follows:

"Be it known:

"Necessity obliges me to sell my negro man, Abram; I have told him so, and he acquiesces. Justice forbids slavery and traffic in human flesh. The money, therefore, which I may receive for him I shall esteem so much borrowed from Abram. In consideration of which I do promise (should Heaven prosper me) at some future day to redeem him, and give him his liberty. WILL L. BROWN."

"June 1, 1812."

Having sold Abram, he invested a considerable portion of the proceeds in law books, and after having made a business trip to Cincinnati for Mr. Vance, he set out for Palmyra, July 27th. On the way he met Judges Boyle and Ousley, at Lancaster, by whom he was examined and granted license to practice law.

He was both liberal and considerate. This incident will serve to illustrate: His friend, William Anderson, was in need of money to enable him to go to Washington as a midshipman. As Brown came by his house, on his way to Tennessee, he left twenty dollars enclosed to him. "It was of more immediate use to him than to me," he records, "therefore it was his due."

Having arrived in Tennessee and been admitted to the bar, he attended two courts in which no business was transacted. His nervous system was keyed up to the highest tension. He was now in his twenty-fourth year, and had not yet appeared in court. "My feelings," he says, "are indescribably anxious, such as a lover may be supposed to feel when first he woos his fair one on whom his fate depends. . . . If I had tried my strength two or three times my anxiety would subside, let the event be what it might. With perseverance I think I can make a good lawyer and an intelligent speaker. Boldness, boldness, boldness, are the proper requisites for success. My soul is frequently turned towards my God for support in the hour of trial. To-day I have been employed in two cases by Adam

and John Harman, among the last men from whom I should have expected a favor; a favor it certainly is at this time."

While seeking a practice he did not relax his studious habits. I make a quotation from his journal of December 16, 1812, which any of our young lawyers may measure themselves against if they like. "Within two months past," he writes, "I have read the second volume of Sanders' Reports with Williams' notes; Comyn on Contracts, in two volumes; several titles in Bacon's Abridgment; very many cases in different reporters; two volumes Gibbon's History of the Roman Empire; some Latin; some English poetry, chiefly Milton; and also a considerable number of speeches in the British Commons."

On the 28th of December he collected his first fee. Mr. N. Owings employed him to bring suit against Moseley and Watson for a ton of bar iron bought at sheriff's sale, and paid him five dollars in a bank note. The first week in January, 1813, he attended the Dickson Court, and made $25. Two weeks later he attended the Montgomery Court, and made $40.

The tenor of his professional life was somewhat interrupted in the latter part of this year by the exuberance of his patriotism. Soon after his return to Palmyra he received the news of General Hull's capture with "sensations of the most bitter and poignant kind." Great apathy was manifested by his neighbors. "Patriotism is extinct," he declared. Mr. Vance made an effort to raise a volunteer company, "but not one glow of ardor could be infused into the lifeless mass of wretchedness around this place." August 30, 1813, the massacre of Fort Mims occurred, which aroused the ardor of all the people of Tennessee. On the 25th of September, Governor Blount issued his call for volunteers. Mr. Brown left Palmyra on the 29th and joined the army at Camp Beatie on October 4th. There he chafed and fretted under the discipline of army life, and as soon as the period of his enlistment had expired, he returned to Palmyra.

April 23d, 1814. "This week at Montgomery Court. If I should get the appointment of Solicitor General for this circuit I shall probably stay in this place one or two years longer. My friends strongly advise my removal to Clarksville." On the 19th of June he moved to Clarksville, and on that day his

diary closed, and his brilliant, almost meteoric, career may be said to have commenced.

James Ross knew him while he lived at Clarksville, and describes him at this period as "a small, delicate-looking man, with fine black eyes, dark complexion, and low, massive forehead. As a speaker he was bold, confident and vehement. Young as I was I could perceive his superiority to the other lawyers, and his great influence with the court and juries."

He was appointed solicitor general by Governor Blount, and held the office from 1814 to 1815. In 1819 he was elected a member of the state senate. As a member of the senate he was the author of the celebrated statute of limitation of 1819, which gave repose to the land titles of the state, "and this of itself," says Judge Guild, "would be a proud feather in any man's cap."

The legislature of 1819 paid him an extraordinary compliment. There was a serious disagreement between Tennessee and Kentucky respecting their boundary line. Legislative invitation and enactment failed to draw a settlement from Kentucky. They determined to send commissioners to the Kentucky legislature. For this delicate task they selected, by joint ballot, Felix Grundy and William L. Brown, and clothed them with absolute power to conclude a treaty. They accepted the responsibility, and performed their duty with great ability and address.*

At the conclusion of his term in the senate he removed to Nashville, and opened a law office in partnership with Ephraim H. Foster. I give Judge Jo. C. Guild's description of him at this period. He says: "I bulged into Nashville about 10 o'clock one morning in the spring of 1821. . . . I had heard that William L. Brown was a great lawyer, and I concluded that he was my man, provided I was satisfied with his looks. He was pointed out to me. He was a thin, dark, Cassius-looking fellow, with heavy black hair, that covered his forehead and fell down near his eyes, with bushy eyebrows and a piercing eye. He was quite a taciturn man, with no parade or show or even address. . . . At this time the firm of Brown & Foster had

* Garrett's South Carolina Cession and Northern Boundary, p. 26.

the largest and most lucrative practice in the State. . . . Their practice was worth from $40,000 to $50,000 a year. Brown possessed one of the finest intellects in America. In argument and in knowledge of the law he was the peer of any man that Tennessee has ever produced."

In 1822 he was elected one of the judges of the Supreme Court, but resigned the position in 1823. "During the short period that he occupied a seat upon the bench of the Supreme Court of the State," says Governor Foote, in his Reminiscences of the Bench and Bar of the South and Southwest, "his reputation was constantly on the increase, and had he continued in that position he would probably have gone nigh to equaling in the splendor of his fame many of those judicial magnates of our own and other countries who have reached the loftiest heights of judicial eminence. . . . His retirement from the bench was a general subject of regret among his fellow citizens, all classes of whom estimated most highly his abilities, his industry and his unblemished purity of character."

He still received signal marks of the confidence the legislature had in his ability and learning. In 1825 Judge Haywood and Robert L. Cobbs were appointed to digest and revise the statute laws of the state. In 1826 the legislature passed a resolution providing that where the revisers should not be able to agree as to what head any part of the law should be placed under, or whether any law was obsolete or suspended, expired or repealed, such differences should be decided by William L. Brown. He did so decide in at least one case. They disagreed as to the Act of 1715, ch. 31, sec. 7, the point of disagreement being as to whether a certain part of the Act of 21 James I, ch. 16, sec. 3, was in force by virtue of the Act of 1715. Judge Haywood thought it was. Mr. Cobbs was of the contrary opinion. Judge Brown decided with Mr. Cobbs, and his opinion was sustained by the Supreme Court, in the case of Tisdale vs. Munroe, 3 Yerger, 320, Chief Justice Catron delivering the opinion of the court.

After the death of Judge Haywood, in 1826, Mr. Cobbs was directed to avail himself of the assistance of Judge Brown, which he did.

Judge Brown died at his home, called Rose Cliff, on the

north side of the Cumberland river, near Nashville, on the 28th day of February, 1830, being forty years of age, and having been little more than seventeen years at the bar.

I close with the following tribute from Governor Foote, which presents him as the world saw him, but overlooks the more gentle and amiable traits disclosed in his private journal. He says: "Nature has been exceedingly bounteous to him in regard to his intellectual gifts; and he evinced his grateful sense of her munificence by doing all in his power to increase the value of these gifts, and to use them as means of acquiring fame and fortune. He was a most persevering and untiring student of books. His knowledge of law was universally admitted to be such as few of his competitors had succeeded in acquiring. His scholastic attainments were respectable, his general reading not contemptible, and he possessed an extensive and accurate knowledge of the practical concerns of life and of the ordinary motives of human action. A man of a more fervid and insatiable ambition has never lived, though the purity and elevation of his nature effectually withheld him from all those low and debasing arts by which a meretricious fame is so often acquired. A legitimate and honorable celebrity he sought for with all the earnestness of a zealous and hopeful temperament; he toiled for it with exhaustless assiduity; he meditated upon the means by which it was to be realized, through many an anxious day and many a restless night. He seems to have been born with an indomitable confidence in his own capacity for self-advancement, and his ultimate realization of a splendid destiny commensurate with his aspirations and indispensable to his earthly happiness. His moral courage almost amounted to audacity; his persevering energy was without bounds; and there was no labor, however irksome or distasteful, from which he thought even for an instant of recoiling, provided it was needful to be encountered in order to reach the one grand object of his life. Such was his tenacity of purpose that no difficulties could seriously discourage him, no disappointment depress him, and not even the most splendid success in the forum could induce him to relax his exertions or withdraw his attention for an instant from the bright star of renown which was constantly sparkling before his vision."

A RARE JACKSON AUTOGRAPH.

We reproduce below a rare autograph of President Andrew Jackson. It is a receipt given Moses Shelby as administrator of Evan Shelby. It was written on a scrap of paper, apparently torn from a blank book. We do not know of another instance where he begins his first name with a round A.

He had been at the bar about six years when this receipt was executed. He moved to Nashville in the autumn of 1788, and from that time he practiced his profession in all the courts in the Cumberland settlements. The County Court of Pleas and Quarter Sessions of Tennessee County was organized April 20, 1789. The first lawsuit brought in the court was that of Andrew Jackson against Philip Alston, for a "sorrel horse, about fourteen hands high, known by the name of 'Samuel Martin's Sorrel,'" for which Jackson had paid £100. The price would indicate that this was a fine horse—a luxury which Jackson continued to indulge himself through life.

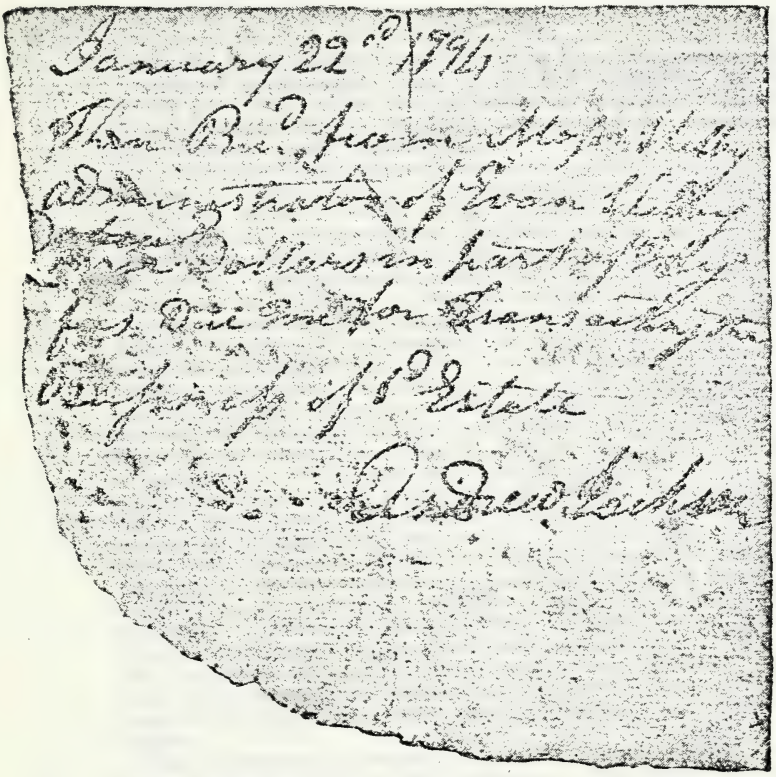
Moses and Evan Shelby, whose names appear in Jackson's receipt, were brothers of Isaac Shelby, the first Governor of Kentucky, and sons of General Evan Shelby, of King's Meadows, whose services in the desperate battle of Point Pleasant have been so highly commended. Moses was wounded while attempting to storm the enemy's works at the battle of King's Mountain.

When their brother Isaac came to the Cumberland settlements in 1783 as one of the commissioners from North Carolina, to lay off the "Military Reservation," Moses and Evan came with him, and settled in Tennessee County. Subsequently Moses was a colonel and Evan a major in the county militia.

As Maj. Evan Shelby was returning from the Falls of the Ohio, January 18, 1793, in a large canoe laden with salt and other articles necessary to the settlers, the Indians fired upon his boat, near the mouth of Casey creek, Trigg County, Ky., and among others of the crew he was killed, and his gun, sword and other property taken by the Indians.

On the death of Maj. Evan Shelby, Col. Moses Shelby took

out letters of administration on his estate, and employed Andrew Jackson as his legal adviser. The receipt immediately following is for the first installment of Jackson's fee.



He gave a second receipt for the remainder of his fee. It will be noted that the whole of his charges did not exceed twenty hard dollars, an amount that the profession of this day will agree was quite moderate. Here is the second receipt:

Oct. 29th, 1794.

Then Rec'd of Moses Shelby, Administrator of Evan Shelby, Deceased, thirteen Hard Dollars in full of my fees Due me for Transacting the business of said Estate as Attorney at Law.

ANDREW JACKSON.

Also four more Paid to Charles Miles by my order.

ANDREW JACKSON.

Test:

JAMES ADAMS.

RECORDS OF THE CUMBERLAND ASSOCIATION.

[In the early settlement of Tennessee there were three distinct self-constituted governments, based on no other authority than the consent of the governed. While not organized in defiance of the authority of North Carolina, they were each of them without her organized territory, and beyond the protection of her laws.

In 1772, when the Watauga settlers were officially declared to be trespassers on the Cherokee hunting grounds, being unable to obtain title to their lands either from the colonial government or from the Indians, they resorted to the temporary expedient of a ten years' lease from the Indians, and entered into a written association and articles for the government of the settlement, which was the first written constitution adopted by the consent of a free and independent people in America.

Henderson & Co. made their celebrated Transylvania purchase from the Indians in 1775. It included all the Cumberland valley in Tennessee. Although promptly repudiated by the government of North Carolina, it served as a pretext for the settlement on the Cumberland which was effected by James Robertson and his companions in 1779. The Cumberland settlers, in the beginning of 1780, before North Carolina had asserted her right to occupy that territory, formed their association and articles of government, which was the second like government.

The third was by the inhabitants of Holston, French Broad and Big Pigeon rivers, when, after the fall of the Franklin government, and the consequent abrogation of the treaties of Dumplin and Coyatee, in 1788, they found themselves destitute of regular government and laws, North Carolina not having extended her government to that quarter.

The Watauga constitution, as well as the records of its government, has perished. Nothing now remains of the "Holston, French Broad and Big Pigeon" government except its articles of association. The records of the Cumberland Association have fared better. Not only has its agreement been preserved practically complete, but all the records kept by the clerk of its committee, which was its governing body, are still in existence.

The Cumberland agreement has been frequently printed, and for that reason is not included in this publication. The record of the committee will be better understood, however, if we mention briefly its contents. The original agreement was framed on the first day of May, 1780, but was not signed until the thirteenth of May, when "additional resolutions and further association" were added, and the instrument so completed was subscribed by two hundred and fifty-six names. It must not be assumed that these names were all signed on that day. They seem to have been subscribed from time to time as long as the association continued. As late as July 1, 1783, the committee found it necessary to pass a resolution that from and after that date no person would be allowed to prosecute a suit or recover a debt in the settlement, who should not subscribe to the association.

At the time the association was formed the Indian title to their lands had not been extinguished otherwise than by the private purchase of Henderson & Co., in which, they say, "some of us know and all believe that they have fairly sold and received satisfaction for the lands or territories whereon we reside." Therefore it was that Richard Henderson

and Nathaniel Hart, of the company, were present and signed the agreement, the larger part of which relates to entry and purchase of lands from their company.

After disposing of the question of lands, the agreement provides for the establishment of two courts—an inferior court, to be composed of any three members of the committee of twelve, with jurisdiction for the recovery of any debt or damages, whose determination should be final where the debt or damages did not exceed one hundred dollars; and a superior court, with original and exclusive jurisdiction of all matters relating to land, and in all criminal cases, provided they did not proceed with execution so far as to affect life or member; and appellate jurisdiction in cases involving more than one hundred dollars that might be appealed from the inferior court, and also in cases of fines and impressment of horses by the commanding officer of the militia.

These two courts, with a provision for drawing out the militia and impressing horses, by the commanding officer of any fort or station, completes the machinery for the government of the Cumberland Association.

The fierce Indian wars coming on immediately after the adoption of the agreement, wherein the greater number of the first adventurers were killed or deserted the settlement, no general organization is known to have taken place under it prior to the seventh day of January, 1783. On that day the committee met and organized. The record of their proceedings is now for the first time published in their entirety. They show a regular and orderly procedure that would be creditable in a much more highly organized society. One striking peculiarity that will be noticed is the absence of any evidence to indicate the presence of a lawyer from the beginning to the end of the committee. It is also surprising that in a frontier court like that was there was not a case of contempt, and only one criminal case, and that not more serious in its nature than a breach of the peace. One case only was decided by a majority of the committee; in all the others their judgment seems to have been unanimous.]

MINUTES OF THE COMMITTEE OF THE CUMBERLAND ASSOCIATION.

North Carolina, Cumberland River, Jan. 7th, 1783.

The manifold suffering and distresses that settlers here have from time to time undergone, even almost from our first settling; with the desertion of the greater number of the first adventurers, being so discouraging to the remaining few, that all administration of justice seemed to cease from amongst us; which, however weak, whether in constitution, administration, or execution, yet has been construed in our favor, against those whose malice or interest would insinuate us a people fled to a hiding place from justice, and the revival of them again earnestly recommended; and now having a little respite granted, and numbers returning to us, it appears highly necessary that for the common weal of the whole, the securing of the peace, the performance of contract between man and man, together with the suppression of vice,

again to revive our former manner of proceedings, pursuant to the plan agreed upon at our first settling here, and to proceed accordingly, until such times as it shall please the Legislature to grant us the salutary benefit of the law duly administered amongst by their authority.

To this end, previous notice having been given to the several stations to elect twelve men of their several stations, whom they thought most proper for the business, and being elected to meet at Nashborough the 7th day of January, 1783, accordingly there met at the time and place aforesaid,

Col. Jas. Robertson,	Heydon Wells,
Capt. Geo. Freeland,	Jas. Maulding,
Thos Molloy,	Ebenezer Titus,
Isaac Linsey,	Sam'l Barton,
David Rounsevall,	Andrew Ewin.

constituting into a committee for the purposes aforesaid, by voluntarily taking the following oath, viz.:

I, A. B., do solemnly swear that, as a member of committee, I will do equal right and justice according to the best of my skill and judgment in the decision of all causes that shall be laid before me, without fear, favor or partiality. So help me God.

The committee so constituted proceeded to elect Andrew Ewin to be their clerk, John Montgomery to be sheriff of the district and Col. James Robertson to be their chairman.

The committee then proceeded to settle the fees of the clerk and sheriff, as follows, viz.:

To the Clerk:	£	s.	d.
For entering every appearance, and default.....			8
Every capias...		1	
Every recognizance...		1	
Entering every recognizance...			8
Entering every order of court...			8
For every summons...			8
For administering each oath...			4
Entering of judgment...			8
Search of a record...			8
A copy of an order of court...			8
Taking every deposition in writing...			8
Every person discharged...			8
Every scire facias...		1	4

Writing a warrant...	1	4
Recording stock mark and brand...	1	4

Sheriff's fees.

John Thomas produced in committee a note of hand against John Sadler for the payment of two good cows or heifer with calf, on the 1st of November, in the year 1780, proved his account, desired the committee to award the damages sustained; obtaining at the same time an attachment against the estate of said Sadler, on entering into bond in the sum of One Hundred and Twenty Pounds, payable to Col. James Robertson, chairman of committee, or his successors; conditioned for the prosecuting of his suit to effect, and if cast, to pay all costs and charges incident thereto. Issuing at the same time a summons for Gasper Mansco as garnishee of said Sadler, to appear at our next committee, on the 5th day of February.

James Holles appeared in committee and declared on oath that Joshua and Eneas Thomas threatened the taking away of his life, whereby he was hindered in the pursuit of his lawful calling: on which a writ issued for apprehending said Thomases, and Isaac Linsey, Heydon Wells and David Rounsevall ordered to take recognizance of them for their good behavior in the mean time and their appearance at our next committee on the 5th of February.

Wm. Steward appeared in committee and proved an account against the estate of James Lumsday, deceased, of £22 9s.

Committee adjourned to the 5th day of February next.

North Carolina, Cumberland District, January 18th, 1783.

At a committee called at the desire of the inhabitants, for the offering of an address to the State's Commissioners, in behalf of some minors, and heads of families, the first of which was deprived by their minority, and the others by not arriving here by the time prescribed by the Act of Assembly for obtaining lands; and that they would represent their case to the Assembly in hopes of their indulgence towards them, and that the commissioners would in the mean time, be pleased to receive their locations for their improvements, to the intent that they might be generally known, in hopes that others would not interfere therewith:—To which the commissioners were pleased to return an answer, that

to the 1st they would do everything in their power for them. But to receiving their locations it did not come within the line of their duty, etc.

The members then present were Col. Jas. Robertson, Capt. Geo. Freeland, Thos. Molloy, Isaac Linsey, Heydon Wells, David Rounsevall, Ebenezer Titus, Sam'l Barton: Likewise Capt. Isaac Bledsoe, and Capt. J. J. Blackamore appeared and qualified for members of committee, and after disposing of the above business, the committee, on motion made by Jas. McCane, proceeded to take the deposition of Isaac Neally, viz.: That the said Isaac Neally was witness to a bill of sale the contents of which, he believes, was a bed purchased of Jourdan Gibson by the said McCain. And further the deponent said not.

The committee proceeded to no further business, but referred to their former adjournment, and so dismissed.

North Carolina, Cumberland District, Feb. 5th, 1783.

Committee met according to adjournment. Members present, Capt. Geo. Freeland, Isaac Linsey, Heydon Wells, David Rounsevall, Ebenezer Titus, and James Shaw elected for Nashborough appeared and qualified for a member of committee.

The committee then proceeded to swear in John Montgomery to be sheriff of the District, and Andrew Ewin for clerk to the committee.

On motion made the committee granted the administration of the estate of John Turner, decd., to Mr. John Marney, said Marney entering into bond with Heydon Wells and John Dunam, securities, for the sum of one thousand pounds proclamation money, payable to Col. James Robertson and his successors as chairman of committee, or their assigns and also qualified as by law required.

And there not being a majority of members present, they proceeded no further, but adjourned until the first Tuesday in March, 1783.

North Carolina, Cumberland District, March 4th, 1783.*

Committee met according to adjournment. Members present, Col. James Robertson, George Freeland, Thomas Molloy, Isaac

*A rough minute of this day's proceeding, except that relating to the address, is preserved on a detached sheet of paper, attested by the signature of Jas. Robertson.

Linsey, David Rounsevall, Ebenezer Titus, Samuel Barton and James Shaw.

The committee then proceeded to take under consideration an address offered to them relative to the inhabitants of Cumberland giving of their assurances of fidelity to the government of the State in which they reside; which unanimously was approved of by committee, and agreed that it should be done as soon as opportunity would serve.

The committee proceeded, and on motion made granted the administration of the estate of David Goings, decd., to William Goings, on his entering into bond with James Shaw, security, in penalty of two hundred pounds specie, payable to Col. James Robertson and his successors, as chairman of committee, or their assigns; and likewise took the oath of an administrator.

Likewise on motion made the committee granted the administration of the estate of James Harrod, decd., to Daniel Hogan, husband of the relict of the deceased, on his entering into bond with Isaac Linsey and Stephen Ray, in penalty of three hundred pounds specie, payable to Col. James Robertson and his successors, as chairman of committee, or their assigns; and likewise took the oath of an administrator.

The trial of James Holles against Joshua and Eneas Thomas, for breach of the peace—neither of the parties appearing—was continued.

John Thomas vs. Sadler. Gasper Mansco summons as garnishee, and not appearing, was continued.

Humphrey Hogan vs. Stephen Ray. Both appeared and, on motion made by the defendant, was continued.—Imparlance.

Humphrey Hogan vs. John Brown, Isaac Mayfield and his mother; parties appeared and, on motion made by the defendant, was continued.—Imparlance.

In trial of Andrew Keller vs. John Dunam for breach of contract; the plaintiff's witness Jno. Buchanan being sworn and heard, the committee found for the defendant.

In a trial of Andrew Keller vs. James Foster, for trespass in killing of a steer claimed as the property of the plaintiff. Sam'l Decean, Humphrey Hogan, John Castilio, Senr., and John Tucker, the plaintiff's witnesses, being called, sworn and heard, the committee found for the plaintiff. Damages, five pounds and his costs.

Daniel Hogan and wife vs. James Todd; parties appeared, and the committee recommending it to them to try and adjust matters themselves, or other ways to state their accounts properly against each other by the ensuing committee—Imparlance.

Jesse Sumers vs. William Leaton for debt, agreed; and the defendant to satisfy the costs of suit.

Olive Shaw vs. Frederick Stump, for trespass, the parties not appearing, was continued.

David Gwin vs. John Dunam for detaining of a bed without judgment obtained for the same; none appearing in behalf of the plaintiff, it was continued.

Daniel Hogan and wife vs. Francis Armstrong for debt of Indian corn, and the plaintiff's witness being sworn and heard, the committee found for the plaintiff. Damages, one pound, twelve shillings, and his costs.

The trial of Terrell vs. Sam'l Feelling, for trespass, dismissed at the defendant's costs.

Solomon White vs. John Reins and Mark Noble, for breach of contract concerning the delivery of the plaintiff a quantity of Indian corn; the plaintiff's witness, Jno. McAdams, being called, sworn and heard, the committee found for the plaintiff and Mark Noble; damages ten pounds and costs.

March 1st, 1783, James Maulding proved an account* against estate of Richard Stanton, decd., of £21 Virginia money, before Thos. Molloy; obtained attachment, and entered into bond of double the sum, with Geo. Freeland, security.

North Carolina,

Nashborough, Cumberland District, March 4th, 1783.

The following address† is offered to the committee as guardians of this infant settlement:

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*The clerk has preserved this account, which is as follows:

Richd. Stanton - - Dr. 1780.
To one mare and colt 15£ 0s. 0d.
To 1 horse 6 0 0
pr James Mauldin.

March 1st, 1783. This day came James Mauldin before me, one of the members of a committee for the inhabitants of Cumberland and made oath that the above account is just, and that he never has received any part thereof. Thos. Molloy.

† There is a first draft of this address preserved, in the handwriting of Andrew Ewin, clerk of committee. The differences in the two papers

Gentlemen:—

Considering that the safety and welfare of this our country does, under divine providence, depend on the unanimous and joint concurrence of the settlers: That our remote situation, and the want of officers legally authorized for the administration of justice amongst us; being such that no regular proceedings at law can be had to punish offenders against the same,

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are so marked as to show great care and consideration on the part of the committee in formulating its address.

The first draft is as follows:

North Carolina, Cumberland District.

The committee considering that the safety and welfare of this our infant settlement does, in a great measure, under divine providence, depend on the unanimous and joint concurrence of the settlers. And our remote situation—the want of officers legally qualified for the administration of justice—being such that no regular proceedings at law can be had to punish offenders against the same. And as various opinions, interests, etc., may arise, and be productive of numberless evils, confusion and discord, and perhaps of total ruin, etc. And as the interest of the allies of this and the United States, whilst continuing such, ought to remain sacred and inviolate, and any such violation committed by any residing here, against our allies, the French and Spaniards, must greatly tend to the discouraging of trade, and perhaps the total ruin of this our settlement; and least any person or persons here residing should be induced thereto, from a presumption of escaping with impunity, because of our present circumstances:

It is therefore agreed that until such times as it please the Government to relieve us from the aforesaid evils, that this committee, as the guardians of this our infant settlement, does hereby strictly forbid all and every person or persons here residing from prosecuting any measures or proceedings that may in anywise be prejudicial to the interests of the aforesaid allies of this and the United States, under pain of information and prosecution hereafter to be had.

And as it is reasonable to expect that numbers amongst us, as well minors as others, who by their migration from place to place in the more remote parts of the States, either never had an opportunity, or otherwise was never called thereto, to give their assurance of fidelity to the government of any of the United States; as it is the bounden duty of every member of society to give proper assurances of their fidelity to the government of the State in which they reside, and from which they enjoy or hope to enjoy protection; and by refusing to do so, the voice of reason and of justice, confirmed by the practice of nations, proclaim and declare that they no longer deserve the privilege of free men of the State.

It is therefore by this committee agreed that each member thereof shall first take the oath of abjuration and fidelity as by the law of this State prescribed, or give proper assurances of their having taken it heretofore. And after the rising of this committee the said oath shall be administered to every male inhabitant, above the age of sixteen, of each and every fort or station on the waters of Cumberland, except such as will give proper assurances of their having already subscribed the same. And it is agreed that a residence of one week shall constitute a person an inhabitant.

And whereas our present circumstances seem to declare it our wisdom and interest to endeavor the cultivating of peace and friendship with the savages around us; and that the interests of such already in alliance and amity with the States, whether Indians or others, remain sacred and inviolate.

And seeing our circumstances is such; lest any persons should be encouraged thereby to the contrary practices from the presumption of escaping with impunity: that this committee would strictly forbid all and every person or persons here residing, to form or prosecute any measures or proceedings that may in anywise be prejudicial to the lives or properties of the aforesaid allies, or any practices the consequences of which may in anywise be prejudicial to the peace and welfare of this our infant settlement, under pain of information and prosecution hereafter to be had.

And whereas we are frequently traduced as unworthy of the care or protection of the State: Being a people inimical in the cause of liberty, and as such fled to a hiding place from justice. And being willing as far as in us lies to give all possible satisfaction to the contrary, by giving such assurances of our fidelity to the government of the State in which we live, (and whose protection we humbly implore, and hope to enjoy) as by the laws thereof is prescribed, acknowledging it our bounden duty to do so.

And if these hints meet with your approbation, let it be then agreed* upon by this committee, that each member thereof first

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*A blank proclamation or notice, to be issued in pursuance of this resolution, is preserved in the archives of the Historical Society, and is as follows:

To the Inhabitants of Mausco's Station: March 5th, 1783.

Gentlemen,

Whereas an address was laid before the committee of yesterday, representing it necessary that the inhabitants here should give assurance of their fidelity to the government in which they reside; which the committee unanimously approved of and agreed that it should be done as soon as possible:

It is therefore desired that the members of committee proceed as soon as possible to administer the said oath of abjuration and fidelity as by the law of the State prescribed, to all and every male inhabitant of their respective stations who are above the age of sixteen, and a copy of their names return to our ensuing committee. And let none depart this country without taking the said oath, or giving proper assurance of having taken it heretofore, and have no time since been engaged in the interest of the enemies of the United States. Except such as are going to the settlement.

Gentlemen, I am yours, etc.

take the oath of abjuration and fidelity as by the law of his State prescribed; or give proper assurances of having taken it heretofore: and have at no time since been engaged in the interests of the enemies of the United States. And that after the rising of this committee the said oath shall be administered to every male inhabitant above the age of sixteen, of every fort or station on the waters of Cumberland, except such as shall give the assurance of having taken it heretofore, as above recited; and that the residence of one week shall constitute a person an inhabitant.

The above received the approbation of committee.

Test: Andrew Ewin, Clerk of Committee.

North Carolina, Nashborough.

At a committee called March 15th, 1783; members present, Col. Jas. Robertson, Thos. Molloy, Heydon Wells, Isaac Linsey, David Rounsevall, Sam'l Barton, Ebenezer Titus, Capt. Isaac Bledsoe: when and on motion made the committee agreed, that an address be sent to the Assembly, acknowledging our grateful sense of their late favors in granting of us lands; praying them to grant us the salutary benefit of government in all its various branches; and that a land office may be opened on such a plan as may encourage the settling of the country, that the protection of it may be less burthensome. And that Col. James Robertson present the same, being elected thereto by the people.

On motion, agreed that six spies be kept out to discover the motions of the enemy, so long as we shall be able to pay them. Each to receive 75 bushels of Indian corn per month; to be under the direction of Col. Robertson and Capt. Bledsoe. The subscriptions of Nashborough, Freelands and Mausco's stations filed with the clerk of committee.

The deputation of Thomas Fletcher to the sheriffality of the District, by John Montgomery, disannulled: and the committee elect the said Fletcher themselves; who was then sworn sheriff of the District of Cumberland.

It being thought necessary for our better defense, in these times of danger, that officers be chosen in each respective station to embody the inhabitants for their greater safety: Accordingly there was made choice of at Nashborough Station, William Pruit

for captain; Sam'l Martin and Jno. Buchanan, 1st and 2nd lieutenants, and William Overall, ensign.

At Freeland's Station, Joshua Howard, captain; James Dollason, lieutenant, and Jno. Dunam, ensign.

At Heatonsburg, Josiah Ramsey, captain; James Holles, lieutenant; Joshua Thomas, ensign.

At Mansco's Station, Isaac Bledsoe, captain; Gasper Mansco, lieutenant; James Linn, ensign.

At Maulding's Station, Francis Prince, captain; Ambrose Maulding, lieutenant.

North Carolina, Nashborough, April 1st, 1783.*

Committee met according to adjournment; members present, Col. James Robertson, Thos. Molloy, Geo. Freeland, Heydon Wells, Isaac Linsey, Capt. Isaac Bledsoe, Capt. Jno. Blackamore, James Maulding, Ebenezer Titus, Sam'l Barton, James Shaw; and proceeded to consider of the following address, which unanimously received their approbation:

An Address to Committee, April 1st, 1783.

Gentlemen:—

Whereas the purchasing of liquors brought from foreign parts, and sold to the inhabitants here at exorbitant prices, and carrying away the money out of the country, will greatly tend to the impoverishing of this infant settlement:

For remedying of which evil, let it be resolved and agreed upon by this committee, that from and after this first day of April, any person bringing liquors here from foreign parts shall, before they expose the same or any part thereof to sale, enter into bond before some member of committee, with two sufficient securities, in the penal sum of two hundred pounds specie, payable to the chairman of our committee and his successors as such, that they will not ask, take or receive, directly or indirectly, any more than one silver dollar or the value thereof in produce, for one quart of good, sound, merchantable liquor, and so in proportion for a greater or lesser quantity; and any member of committee before

*A rough minute of this day's proceedings, except those relating to the address, is preserved on a separate sheet of paper, signed by Jas. Robertson, and attested by Andrew Ewin, clerk.

whom such bond is given, shall grant certificate thereof to the giver.

And any person selling or exposing to sale any liquors brought from foreign parts, not having entered into such bond as aforesaid, the same shall be liable to be seized by warrant granted by any member of committee, which they are hereby impowered and required to issue: and so seized, to secure and detain the same until they shall enter into such bond as aforesaid, or otherwise oblige themselves to transport their liquors again out of this settlement. Provide always that if neither shall be done within twenty days after such seizure, the same shall be deemed and held forfeited, and shall be sold, and the money arising thereby shall be applied to the use of the public at the discretion of the committee.

And if any person upon giving bond in either of the premises aforesaid, shall afterwards make default therein, and on information and prosecution be convicted thereof, by sufficient witnesses before our committee, their bond shall be declared and held forfeited and judgment be awarded against them accordingly, and on refusal or delay to satisfy such judgment, the same shall be levied on their goods and chattels by distress, and the money arising thereby applied as aforesaid, under direction of committee. Provide always that such prosecution shall commence within six months after default made.

Approved, resolved and agreed by committee.

Test: Andrew Ewin, Clerk.

On motion ordered that William Overall, administer on the estate of Patrick Quigley, decd., having entered into bond of fifty pounds specie. James Todd and Stephen Ray, securities, payable to Col. Jas. Robertson, chairman of our committee, and his successors as such, and also took the oath of an administrator according to law.

On motion made ordered, that a road be opened from Nashborough to Mansco's Station, and thence to Maulding's Station, and that Capt. Daniel Williams and John Buchanan, Junr., lay it off from Nashborough towards Mansco's Station until they intersect with the New Trace leading from there this way: that Capt. Mansco and Moat Maulding lay off the road between

Mansco's and Maulding's Station; that Humphrey Hogan and Henry Ramsey lay off a road from Heatonsburg to Mansco's Station. And that John Buchanan, Senr., be overseer of the road for half of the way from this to Mansco's, and Sam'l Barton over the other end, from Mansco's this way; that Capt. John Blackamore be overseer from Mansco's towards Maulding's, and Capt. Jas. McFaddan from Maulding's this way; that Stephen Ray be overseer from Heatonsburg towards Mansco's, and Josiah Ramsey from Mansco's towards Heatonsburg. And that each of the aforesaid overseers call together as many of the inhabitants of their respective stations as they can, to assist in opening of the aforesaid roads.

The committee then proceeded to the causes on the docket.

In a trial of John Thomas, brought by attachment for debt, against the estate of John Sadler absconded; Gasper Mansco being summoned as garnishee appeared, and being sworn, informed the committee that he had received two mares of the said Sadler to keep on half stock, for the term of five years. And the committee after deliberating awhile thereon, agreed to postpone their judgment until further evidence appear at the succeeding committee.

The suit of Humphrey Hogan against Stephen Ray continued on the defendant making oath that some of his witnesses, whose evidence was material in the cause, were absent.

In a trial of Humphrey Hogan, plaintiff, against John Brown, Isaac Mayfield and his mother, for detaining of a kettle, by the plaintiff lent to old Mr. Mayfield, decd., which Richard Henderson left in the custody of the said plaintiff. The plaintiff witnesses, Gasper Mansco and Philip Trammel, being called, sworn and heard, the committee found for the plaintiff his kettle, and that John Brown and his mother-in-law pay the costs of suit.

In the trial of Olive Shaw, plaintiff, vs. Frederick Stump, defendant, concerning a piece of land cleared at Heatonsburg by Wm. Rentfro, and by the said Rentfro rented to the said Stump for one year, and afterwards, according to the allegations of plaintiff, conveyed to her by the said Wm. Rentfro, the defendant alleging that he had purchased the land of the said Rentfro. The deposition of the said William Rentfro and James Rentfro being read, the committee recommended it to the parties to settle the

dispute themselves, which they did in presence of the committee; and the defendant agreed to give the plaintiff 30 bushels of Indian corn, to be delivered at Eaton's Station next fall, as rent for the ground the ensuing crop, and at the same time to quit any further claims to the land now contended for, conditioned that the plaintiff pay costs of suit.

In a trial between George Flynn, plaintiff, and Israel Harman, defendant, concerning the defendant loosing of a canoe, property of the plaintiff. The plaintiff's witnesses, Daniel Williams and James Shaw, being called, sworn and heard, the committee found for the plaintiff; damages 40s, and his costs of suit.

The suit of Wm. Logans, plaintiff, and Todd, Harris and Thos. McFarland, defendants, continued at the plea of the defendants.

In the trial of Wm. Mitchell, plaintiff, and Geo. Mansco, defendant, for breach of contract in not delivering of the said plaintiff a heifer agreeable to bargain. Plaintiff's witness, Capt. Amos Heaton, and likewise the defendant's, Michael Shaver and John McFarland, being called, sworn and heard, the committee found for the plaintiff his heifer and the defendant pay the costs of suit.

In a trial between James McCain and William Grahams, concerning a bed in the custody of the said Grahams, and afterwards by the said McCain purchased of Jourdan Gibson, for which he produced a bill of sale from said Gibson, which was proven by the deposition of Isaac Neally, heretofore taken for our committee. The committee found for the plaintiff his bed on his paying costs of suit.

In a trial of Sam'l Martin, plaintiff, and Sam'l Walker, defendant, the parties agreeing to the terms of their contract refer to the committee for judgment, which found for plaintiff his debt of five dollars and costs of suit.

The suit of Sam'l Martin, plaintiff, and Capt. Jno. Blackamore, defendant, dismissed by the plaintiff.

In the trial of James Maulding, brought by an attachment against the estate of Richard Stanton, the committee award for the plaintiff.

The committee adjourned to the 1st Tuesday of May.

Test: Andrew Ewin, Clerk.

North Carolina, Cumberland District, May 6th, 1783.*

Committee met according to adjournment; members present, Col. James Robertson, Thomas Molloy, Geo. Freeland, Sam'l Barton, David Rounsevall, Isaac Linsey, Ebenezer Titus, James Shaw and Capt. Isaac Bledsoe:

When Thomas Molloy informed the committee, that he had since the last sitting at the request of some of the members sent letters to the agent of the State of Virginia residing at the Illinois, and likewise to the Spanish governor, informing them that some of our people had gone down the river this spring upon pretence of trading with the Chickasaw Indians, but by the report of some lately come from the Illinois who met with them in their way here, we are afraid that their design was to assist in plundering the trading boats, and that if any such thing should be committed or effected by or with the assistance of any belonging to us, that it was contrary to the principles and intentions of the generality of people here, as we detest and abhor such practices, and that we would endeavor for the future to prevent and such proceedings: Which information and conduct of Mr. Molloy was unanimously approved of and acceded to by the committee.

On motion made, resolved and agreed on by this committee, that from and after this sixth day of May, 1783, no person or inhabitant of this settlement shall trade, traffic or barter with any Indians, nor resort unto them on the other side of the Ohio on the dividing ridge between Tenasee and Cumberland waters, nor go down these western waters, upon pretence of trading, to the Illinois or elsewhere, without permission first had and obtained of the committee; and likewise give bond with approved security, in any sum at the discretion of the committee, payable to the chairman thereof and his successors at such, conditioned that their conduct shall not directly nor indirectly in anywise prejudice the interests of this our settlement.

On motion made, such of the members of committee as had not heretofore taken the oath of abjuration and fidelity in this State, proceeded to take it, which was first administered to their clerk

*A rough minute of this day's proceedings is preserved on a separate sheet of paper, signed by Andrew Ewin, but without the signature of Robertson.

by Col. James Robertson; and afterwards by clerk in committee to the members as aforesaid. And the rest of the members made oath of having taken it heretofore in this State; and had at no time since been engaged in the interests of enemies of the United States.

Committee then proceeded to hear the causes on the docket.

When in a trial between Humphrey Hogan and Stephen Ray in a plea of scandal brought by said Hogan in behalf of his wife against said Ray, in which the defendant put in a plea of abatement that the plaintiff had not taken the oath of fidelity to States, when the contrary appearing to the committee, the plea was overruled, and the plaintiff awarded his cost to the time of overruling the plea: After which Rebecca Montgomery and Cheziah Jones, the plaintiff's witnesses being called, sworn and heard, the committee found for the defendant.

In the suit between Dan'l Hogan and Obediah Terrell in a plea of debt brought by said Hogan vs. said Terrell, Barnet Harrod witness for the plaintiff, being called, sworn and heard, the committee found for the plaintiff 11s. and his costs.

In a trial between Thomas Spencer and James Todd, in a plea of debt brought by said Spencer against said Todd, the witness for the plaintiff, Col. James Robertson and Sam'l Barton, and for the defendant, Isaac Johnson: When the committee found for the plaintiff a specific performance of an award formerly given by Col. James Robertson and Sam'l Barton: and that he pay the costs of suit, having had a lawful tender made to him of the aforesaid award by defendant heretofore.

In a trial between Andrew Keller and Sam'l Martin, for default made by said Martin in certain contract by him made with said Keller, in consideration of the use of the said Keller's horse in hunting: When the witness for the plaintiff, John White, and for the defendant, Thomas Fletcher, being called, sworn and heard, the committee found for the defendant his costs.

In a trial between Julius Sanders and James Thomson, in a plea of damages brought by said Sanders vs. said Thomson, for default made in a certain contract by him made with the said Sanders, concerning of a piece of cleared grounds: When Robert Thomson and Russell Gower, witnesses for the plaintiff, being called, sworn and heard, the committee found for the defendant his costs.

In a suit between Francis Armstrong and Sam'l Martin, in a plea of damages brought by said Armstrong vs. said Martin, concerning of a hog sold to the said Armstrong by the said Martin, the property of which belonged to Col. James Robertson and by him taken from said Armstrong: When the defendant confessing the cause of action, the committee found for the plaintiff damages 24s, and cost of suit.

In a trial between Julius Sanders and John McAdams, concerning a quantity of Indian corn alleged by said Sanders to be due to him from said McAdams. James Franklin, the witness betwixt the parties, being called, sworn and heard, the committee found for the plaintiff, one bushel and a half of Indian corn and costs of suit.

A suit brought by Julius Sanders against John Gibson, in a plea of £30 debt or damages in lieu of cattle won by said Sanders from said Gibson in gaming at cards. The committee judging the debt illegal dismissed the suit.

In a suit between Cathrine Lefever and Robert Espey and wife, in a plea of damages brought by the said Lefever vs. the said Espey and wife: When the defendants not appearing judgment was given against them by default.

In a trial between James Thomson and Thos. Fletcher, in a plea of damages brought by complaint of James Thomson against said Fletcher, concerning of clivess lent to the said Fletcher which he delays to return: When the defendant confessing the cause of action the committee found for the plaintiff his clivess.

In a trial between John Hamilton and Sam'l Martin, in a plea of damages, brought by said Hamilton vs. said Martin, for breach of contract concerning of an improvement of lands by said Martin sold to said Hamilton, the priority of which improvement said Martin did not maintain to the said Hamilton. Witnesses for the plaintiff, Dan'l Dunam, Isaac Johnson, Israel Harman, being called, sworn and heard, the committee found for the plaintiff damages £20 and costs of suit.

In a trial between Sam'l Mason and William Leaton, brought by attachment vs. the estate of said Leaton by said Mason. The plaintiff, having proved his debt, and none appearing to object to the contrary, the committee found for the plaintiff his debt of £4 3s. 4d.

In a trial brought by John Thomas by an attachment vs. the estate of John Saddler; Gasper Mansco being summoned as garnishee to said Saddler, having appeared at a preceding committee, and being sworn informed the committee that he had received of the said Saddler two mares to keep on half stocks for the term of five years. The committee then after deliberating thereon, agreed to postpone their judgment until further evidence might appear at the succeeding committee; as the garnishee then alleged that the evidence of Benjamin Kirkingdall would corroborate with what he had then deposed: On which the said Kirkingdall being summoned appeared and, being sworn, informed the committee that sometime before he left the settlement the said Saddler had offered to sell him two mares which he said he had left with Gasper Mansco on half stocks, but did not remember that said Saddler had told him how long the term of time was; on which the majority of the committee was of the opinion that the property of the said mares was vested in said Mansco by said Saddler until the expiration of the aforesaid term; and so gave judgment in behalf of the defendant.

The suits of William Loggans, plaintiff, vs. James Todd, Jno. Harris and Thomas McFarland, defendants, concerning the killing of a mare, the property of said Logans, by felling a tree: Likewise of Frederick Stump vs. Jno. Harris, Stump vs. James Todd, Stump vs. James Mulherin, and Stump vs. Thomas McFarland, for killing of a mare, the property of said Stump, by felling a tree: was agreed by the parties themselves in committee: the plaintiffs offering to have the creatures appraised by three judicious men at the nomination of the committee, and to take half the appraisement, which the defendant agreed to pay, and the clerk and sheriff gave up their fees.

After which the committee adjourned to the 1st Tuesday in June. Andrew Ewin, Clerk.

State of North Carolina, Cumberland District, June 3d, 1783.

The committee met according to adjournment; members present, Col. James Robertson, Geo. Freeland, Thos. Molloy, Ebenezer Titus, Sam'l Barton, James Shaw, Isaac Bledsoe, David Rounsevall, Heydon Wells.

When on motion made by Major John Reed, relative to assembling of the Southern Tribes of Indians at the French Lick, on Cumberland River, for holding a treaty with the commissioners appointed by the State of Virginia; when the committee considering how difficult it will be for a handful of people reduced to poverty and distress by a continued scene of Indian barbarity, to furnish any large body of Indians with provisions, and how prejudicial it may be to our infant settlement, should they not be furnished with provisions, or otherwise disaffected with the terms of the treaty; on which considerations the committee refer it to unanimous suffrages of the people of this settlement whether the treaty shall be held here with their consent or no; and that the suffrages of the several stations be delivered to the clerk of committee by Thursday evening, the 5th instant, at which time the suffrages of Freeland's Station, Heatonsburg and Nashborough were given in, and are as follows:

Freeland's Station, no treaty here, votes 32.

Heatonsburg, treaty here, votes 54; no treaty, 1.

Nashborough, no treaty here, votes 26; for a treaty here, votes 30.

The other stations of Gasper Mansco and Mauldngs failing to return their votes.

Committee then proceeded to the causes on the docket.

When in a trial between David Gwin and John Dunam, brought by said Gwin vs. said Dunam for detaining and not extending to sale a bed according to bargain alleged by said Gwin vs. said Dunam; the said suit having from time to time been continued, and the defendant not appearing judgment was given against him by default.

A suit brought by Michael Shaver against Sam'l Deccan for breach of contract; on motion of the committee, was adjusted by the parties themselves, and the defendant paid the costs of suit.

Committee then adjourned to the 5th of the instant, at which time they met; present Col. James Robertson, Thos. Molloy, Geo. Freeland, Heydon Wells, David Rounsevall, Isaac Linsey, James Shaw, Ebenezer Titus and Sam'l Barton.

When in a trial between Cathrine Lefever and Robert Espey and wife, brought by said Lefever vs. said Espey and wife, for breach of contract, judgment having been given at a preceding

committee against the defendants by default, and the plaintiff's witness, Jno. Harris, be called, sworn and heard, the committee found for the plaintiff damages 1d. and costs of suit.

A trial between Sam'l Martin and James Espey, in a plea of debt brought by said Martin vs. Espey, the note appearing conditionary, the committee postpone their judgment until the succeeding committee.

The committee resolves as follows: That if any person shall bring spirituous liquors here and expose the same to sale to any person during the time of the ensuing treaty with the Indians or of their continuing here, that the same shall be forfeited to all intents, and the money arising by the sale of such liquors be applied to the use of public under direction of committee.

Committee adjourned to the 1st Tuesday of July.

Andrew Ewin, Clerk.

North Carolina, Cumberland District, July 1st, 1783.

Committee met according to adjournment; members present, Col. James Robertson, Geo. Freeland, Thos. Molloy, Heydon Wells, Isaac Linsey, David Rounsevall, Isaac Bledsoe, Ebenezer Titus and Sam'l Barton.

When the trial of David Gwin, plaintiff, against John Dunam, defendant, was called and continued, judgment having been given at the preceding committee vs. defendant by default.

In the trial of William Gowan vs. John Gibson, in a plea of detinue, brought by said Gowen against said Gibson, concerning of cattle, the estate of David Gowen, decd., continued a second time at the instance of the defendant.

The trials of John Hamilton, plaintiff, in behalf of his daughter Elonar Hamilton, in a plea of slander and defamation, brought by said Hamilton vs. Isaac Bledsoe and wife, James McCain and wife, and James Lynn and wife, dismissed by the plaintiff.

In a trial between Geo. Freeland and Sam'l Deson, in a plea of trespass on the case, brought by said Freeland vs. said Deson, the witnesses for the plaintiff, Peter Sides and Nancy Joiner, being called and sworn, said Sides deposed that he saw the defendant whip a negro then in the possession of the plaintiff; and the said Nancy Joiner acceded to the aforesaid on oath. The witnesses for the defendant, James Harris, Sarah Lucas and Jenny

Tucker, being called and sworn, the said Harris deposed that he saw the aforesaid negro throw a clod at a child of the said Deson. Sarah Lucas deposed that she saw the mark of a stroke on a little girl of Deson, which the said negro had given her; and that the said negro had insulted herself with very abusive language. Likewise Jenny Tucker deposed that the said negro had treated her with very abusive language: On which the committee found for the plaintiff damages 6d. and costs of suit.

The suit of John Montgomery vs. John Rice, in a plea of slander brought by said Montgomery vs. said Rice, dismissed by the plaintiff.

Resolved by the committee that two men be sent to the Illinois with letters to the agent for the State of Virginia, and by him to be transmitted to the Spanish governor, in order to extricate ourselves of any suspicion they may have of our countenancing or assisting of a certain James Colbert on the Mississippi in his piratical proceedings, and that the sum of £20 be given the said men for their services.

Resolved that from and after this present committee no person who shall not subscribe our association shall be entitled to any benefit of commencing or prosecuting of any suit, or the recovery of any debt in this settlement.

Committee adjourns to the 1st Tuesday of August.

North Carolina, Cumberland District, August 5th, 1783.

Committee met according to adjournment; members present, Col. James Robertson, Sam'l Barton, Heydon Wells, David Rounsevall, Isaac Linsey, Ebenezer Titus, James Maulding, James Shaw, Thomas Molloy, Geo. Freeland.

The trial of David Gwin vs. John Dunam, continued.

In a trial of Frederick Stump vs. Isaac Rentfro, brought by attachment against the estate of said Rentfro, James Holles, witness for the plaintiff being called, sworn and heard; and likewise the deposition of Isaac Mayfield, by which it appeared to the committee that the said Isaac Rentfro did hide in a certain place at Red River old station, a quantity of iron as his property, which he afterwards disposed of to the said Stump; and likewise that James Rentfro did afterwards fetch away a quantity of such like iron from the identical place the said Isaac had hid that iron

which he said was his property. And David Rounsevall summoned as garnishee (the aforesaid iron being lodged in his custody by James Rentfro) declined making defense, on which the committee considered that the plaintiff, of the said iron lodged by James Rentfro in custody of the aforesaid Rounsevall shall have sufficient to satisfy his debt of £31 12s and costs of suit.

In a trial of William Gowens vs. John Gibson, in a plea of detinue, brought by said Gowens as administrator of the estate of David Gowens, decd., vs. said Gibson, concerning certain cattle and other articles, property of the said deceased: When the defendant confessing cause of action, the committee considered that the plaintiff shall have all the property of the deceased now in the defendant's hands, and pay the plaintiff £2 for a heifer he disposed of, and pay cost of suit.

In a trial of Samuel Martin vs. James Espey, in a plea of debt, brought by said Martin against said Espey, the committee found for the plaintiff his debt of £3 due by note, with costs of suit.

In a trial of Phenix Cox vs. Stephen Ray for breach of contract, John Culberson, witness for the plaintiff, being called, sworn and heard, the committee found for the plaintiff, three yards of linen or 24s, and costs of suit.

In a trial of Ruben Messeeker vs. John Harris, Senr., in a plea of debt, brought by said Messeeker, vs. said Harris, Thomas Fletcher, witness for the plaintiff, and Julius Sanders for the defendant, being called, sworn and heard, the committee found for the defendant.

In a trial of Daniel Dunam vs. Samuel Martin, in a plea of debt, brought by said Dunam vs. said Martin, John Culberson, witness for the plaintiff, being called, sworn and heard, the committee found for the plaintiff his debt of 3 dollars, and costs of suit.

Resolved by this present committee that from and after the rising hereof, no foreigners bringing any liquors from foreign parts shall ask, take or receive for the same, directly or indirectly, any more than one silver dollar per gallon or the value thereof in produce, giving bond and security, or be liable to the same forfeitures as by the resolve of the 1st of April, 1783.

Test: Andrew Ewin, Clerk.

Conclusion of the committee.

[To be continued.]

THE FRENCH SETTLEMENT OF THE MISSISSIPPI VALLEY.

BY PETER J. HAMILTON, MOBILE, ALA.

The Civil War was an attempt to divide the territory of the United States by a line east and west from the Atlantic. It failed very largely because the Mississippi Valley is a unit and cannot be divided into northern and southern parts. Migration from the eastern states, followed and increased by railroad and other modern inventions, has bound the West to the Atlantic to such an extent that it requires an effort to think of them as ever separate. Even the partition of the great valley into eastern and western halves before the Louisiana Purchase of 1803, soon to be celebrated, seems to us unnatural. And yet the time was, only one hundred years before that event, when colonization was confined to the Atlantic coast, when the Appalachian range cut off the heart of the continent from European knowledge, and the great valley could be the prize of the first comers.

The eastern coast of America had for almost a century before 1702 been developing as British colonies,—some of Roundheads, who fled from persecution at home to be free to persecute abroad, some of Cavaliers in search of fortune or adventure. The valley of the St. Lawrence had almost as long been claimed for France, and the Canada growing up which was to be in its turn the base for exploration of the region about the Great Lakes. To the south were older colonies yet,—Cuba, discovered by Columbus; Mexico and Peru, the outgrowth of Spanish exploration, and Florida, just occupied by Spain. For Columbus had stumbled on a new world while trying to open up to China and India some other than the Mediterranean route, that great trade highway, which, after creating Venice, Genoa, and other ports, was, with the capture of Constantinople, closed by the Ottoman Turks. And the hunger for expansion was not confined to Spain. All Europe, Catholic and Protestant, entered on the race for new possessions,

supposed to contain mines, fountains of youth and other attractions. The French LaSalle, under the patronage of the great minister Colbert, had from Canada in 1682 discovered the mouth of the Mississippi river and taken possession of the vast interior, naming it all Louisiana; but before it could be settled there had come his tragic end and the European wars of ambition which Colbert had vainly tried to prevent.

The peace of Ryswick between France and England in 1697 allowed a breathing spell and Louis XIV (or De Maurepas for him) at last took up the colonization of the country named for the King. France sent the famous Canadian sailor, Pierre Le-Moyne, called Chevalier d'Iberville, to anticipate all other nations in settling the Mississippi Valley. Separated from the Atlantic by mountains, embracing all climates and all natural productions, with great waterways uniting into one and seeking an easy outlet to the Gulf of Mexico, with other basins east and west practically parts of it,—this territory might possibly, it is true, be a hinterland for the expansion of the English Atlantic colonies, as claimed in some of their paper charters, but more probably, according to European precedent, would become a separate country. As LaSalle and Iberville planned it, Canada facing the Atlantic and Louisiana fronting the Gulf, united by the lakes and the Mississippi, would constitute one vast empire, a New France, worthy even of the greatest sovereign of his age. It was to take the eighteenth century and wars on three continents to settle its destiny.

Iberville re-discovered the mouth of the great river in 1699, but found the Mississippi banks marshy and uninhabitable, and the temporary expedient of Biloxi (Mississippi City) showed only unproductive lands and shoal harbors. Therefore, on his third voyage, from a sick bed on ship, he sent his younger brother, Jean Baptiste LeMoyne, better known as Sieur de Bienville, to build the capital of the colony "sixteen leagues from Massacre (Dauphine) Island, at the second bluff" of the Mobile river. This was selected because near the great Indian tribes, who were to be conciliated, and in watching distance of the Spaniards of Florida and the English of Carolina, who were possible competitors. The spot selected was what is now known as Twenty-seven Mile Bluff, from its distance from the bay, a place where

pines for the second time break through the monotony of marsh and lowland, and crown long hills.

There, hardly twenty feet above the water, was the first permanent French settlement of the Gulf States, the cradle of civilization of the Mississippi Valley. In that unbroken forest which in that January two hundred years ago stood in the place of the cultivated field now to be seen, armed Frenchmen cut down virgin timber and painfully built of squared logs a fort overlooking the river. When finished it was as large as a city block, its four bastions containing the first cannon belonging to this country. Within the works were structures for officers and guard, and in the centre a parade, in which floated the white flag of France. On the bluff was the powder pit, to the left 150 paces the barracks. Below at the landing a surveyor laid out the town, named, like the fort and country, from Louis XIV. In front of it on the ways was building the first boat constructed on Southern coasts, while on an eminence overlooking all the rest was the residence of priests. Soldier, priest and civilian had come. The State, the Church and the Home, the three foundations of all society and progress, were established on the Gulf forevermore.

Looking on in stolid but not indifferent silence were the natives whose ancestors had so long hunted and warred in this region. Most of them were from what we call Mt. Vernon Landing, higher up the river, and bore the name Mobilian, which the Spanish DeSoto 150 years ago had known too well and which in his time marked an extensive empire; a name that was to survive even this French attempt at perpetuating the memory of their king, and still clings to the river, bay and its chief settlement. On Mobile river the American Stone Age stood face to face with the Iron Age of Europe; but not in conflict. French diplomacy brought for conference, besides the neighboring Mobilians and Tohomes, the Choctaws from the West, the Chickasaws from the head waters of the Tombigbee, and the Alibamons from up their river, which has named a state. Iberville presided and harangued them into peace with each other and alliance with his country. The legends of the red men were now insensibly to blend with the history of the whites.

Time, like distance, lends enchantment. We are apt to remember in the scenes of our childhood the joys and forget the

sorrows which for the time were so keen. We think of the days of the fathers as a kind of golden age. And so we are apt to imagine Iberville, Bienville, D'Artaguette, Mandeville, and others, whose names are so familiar in the colonial story, as living harmoniously together, even amid scenes of danger, sometimes distressed, but always working out a grand future for the colony. But this is a dream. The settlement in 1702 was made of men of like passions with ourselves. The governor was often changed,—sometimes it was Bienville, sometimes Cadillac, and later others; and when it was not Bienville, his friends were dissatisfied; when it was, his enemies sulked or worse. The priests complained of the lax morals of the colonists, particularly of the Canadian *coureurs de bois,* or wood rangers, and of the debauching of the Indians in every way. The commissary-intendant was almost always at odds with the governor, and, in fact, it was meant that one should be a check on the other. The result was that, instead of a responsible head, authority was divided, and, just as in Canada, this was disastrous. The principal unity in the long story of dissension is found in one man who lived through almost the whole time, doubtless working for himself in part, but mainly for the general good. That man was Bienville. He was not perfect. He would have belonged in some other world than ours if he had been. But his great ambition was to advance the interests of France. He was a firm ruler, a good general and diplomat, as wily and implacable as the savages with whom he contended. Iberville had founded the colony and his influence at court would have done much for it, but he died at Havana in 1706 of yellow fever, buried in St. Christopher's Church, under the same roof with the bones of Columbus, and Bienville is truly to be thought of as the father of Louisiana. The best proof of his success is to look at Louisiana as it was founded and at Louisiana as he left it in 1743, remembering that the colony, except for a brief few years under John Law, was left almost to its own resources. Louis XIV was soon forced to let his namesake take care of itself. Fort Louis was founded at the same time that the war of the Spanish Succession began, and in the sad years that came his grandson remained king of Spain, but the generals of Louis lost battle after battle to Marlborough and Eugene, un-

til all that was left for France was to secure the best peace her foes would grant. This came in 1713 at Utrecht, and by that time Louisiana had become established well enough to justify turning it over to private enterprise, first to Crozat and afterwards to John Law and his company. If these circumstances prevent our blaming the king, they also reflect all the more honor on Bienville.

The local annals of the place (popularly called Mobile from the first) cannot be here detailed, and at the best they were not thrilling. Despite such efforts as the home government could make, agriculture was neglected. We know that cotton has made this section of America. On Mobile river pass steamers carrying hundreds of bales at once, and the very site of Fort Louis has been a cotton field. The staple had long been known in Mexico, but it never occurred to the French to introduce it. Living on cotton lands, they raised nothing but little patches of vegetables. There were a few sawmills and brick kilns, and also mechanics, carpenters and the like. The first creole, Jean Francois, born in October, 1704, was a son of Jean Le Camp, the locksmith of the colony. One reason for the neglect of agriculture was perhaps the lack of laborers. The French early had Indian slaves, but these made poor farmers. It was not until 1707 that a negro is mentioned in the church records, and it was years later, under Law, that slaves were brought in quantity from Africa to Mobile, while for half a century the English on the Atlantic had been systematically supplied by royal corporations. The colonists who were not in the fort spent their time mainly in hunting, in trading for skins, and exploring for mines. Their very food was brought from France or purchased from the Choctaws, and colonial annals record a number of dispersals of the bulk of the garrison among the friendly savages. A modern poet has even suggested that the French taste for frog legs was acquired in the famines at Fort Louis, and certain it is the removal down the river from that site to present Mobile in 1711 was due to a flood which ruined the maize fields of the Mobilians and Tohomes.

True, the king, and later the company, sent supplies and reinforcements from time to time. Thus the coming of the relief or store ship Pelican in the summer of 1704, the disastrous year of

Blenheim, was memorable. For one thing, by her came the first installment of women, twenty-three in number, an unqualified blessing. For a little while the river bank and the woods looked like picnic grounds. There were more couples wandering about, and more love-making going on, than ever before or since. Soon all were married except one, unusually coy and hard to please, who would accept no man in the colony. History has not recorded her name or fate. One cannot but fancy that she was a leader in the Petticoat Insurrection which so taxed the patience and diplomacy of that incorrigible bachelor, Bienville,—a revolt of the Parisian ladies against cornbread and other Southern delicacies. But in the second place, by the Pelican came also the marplot cure, LaVente, who from the death of Iberville on was the determined enemy of the younger brother; and the third gift of the vessel was yellow fever, imported from San Domingo, causing the earliest and in proportion to numbers the most fatal of Southern epidemics. One half of the crew of the ship, thirty of the soldiers she brought, a Jesuit, and many of the colonists fell victims to it, and scenes of love-making and marriage gave place to heart-rending separations.

Among the associations of the spot, and, alas, of that visitation, none are stronger than those which recall Henri de Tonty. Born in Italy, he lost an arm in the French service, and in Canada received from the Indians the name of Iron Hand from the substitute he wore. Companion of LaSalle on the Mississippi, faithful guardian of the rock fort on the Illinois, he vainly watched from above the return of the great explorer from the Gulf he helped him find. It was Tonty's letter left among the Indians which had made Iberville certain that he was on the Mississippi at last, and it was to welcome the successor of LaSalle that Tonty descended to Biloxi and came to live at Fort Louis. It was his influence that assembled for Iberville that first peace congress of Southern Indians, and it was Tonty who ascended with Bienville to inflict the first chastisements on the Alibamons. I see before me now the daring cavalier, the true friend, stalwart, bearded, brave, with iron hand, but woman's tenderness. At Fort Louis, no kindred near, his eyes upon the lilies of France, his heart void of offense toward God and man, died this last, this best of pioneer explorers. Somewhere in the woods they laid

him to rest with such honors as the horrors of an epidemic permit, and over the unknown grave the pines have ever since sung a requiem. The waters that carry the products of the soil and mines of Alabama from their home to the sea yet murmur his praises as they pass his grave. Martyr explorer, to thee a shaft should rise. The states founded by thee, growing with the life thou gavest, watched by so good and great a spirit, must not be ungrateful!

And there was another, almost equally deserving of our remembrance; for no truer painter of Indian customs and of pioneer life can be found than Penicaut. His Relation is as interesting as a novel, as valuable as a history, and this year, 1902, is the bi-centenary of Southern literature as well as of Gulf settlement. We can picture the "literary ship carpenter" building or repairing boats, with quick ear and eye to all that happens, and a hand no less ready at the pen than tools. Native of Protestant Rochelle, but pious Catholic himself, he came with Iberville's first expedition, sojourned at Biloxi, helped build Fort Louis, and lived at the newer Mobile. Member by necessity of all exploring parties, expert in Indian tongues and traits, no one had a fairer chance to learn, and no writer has ever told a better story. When in 1721 he leaves Louisiana for France to secure treatment of his eyes, we feel that we have lost a friend and that Louisiana history has become almost dull.

Another whose name and form are inseparably connected with the settlement was Pere Davion. The Spaniards professed that converting the Indians was one of the principal motives of their colonization; the British government at most sought to regulate trade with them. The French occupied a middle ground. They encouraged the religious orders to labor among the Indians, and protected against injury these intrepid men laboring far in advance of civilization. On his first voyage Iberville brought priests to join some already on the Arkansas from Canada; when the Regent was later to turn the colony over to Law's company, that company was to provide religious instruction for the colonists and missionaries for the natives, and this was done partly through the Jesuits, but especially the Capuchins. First it was the Seminary of Quebec. Among missionaries of the Seminary already on the Mis-

sissippi even before Iberville crossed the Atlantic was Davion, at his rock among the Tunicas, keeping his sacred relics in a hollow tree. A brave man, he broke their idols at the risk of his life, but ministered to their bodily as well as their spiritual ills. He moved to Fort Louis, administered the first baptism, and was there to install the regular pastor,—entries of all of which are still in the venerable church registers of Mobile. On this spot, as on others for many years to come, he inspired the living, comforted the sick, prepared the dying, going his rounds like Father Felician in Evangeline. Unselfish, devoted to duty, he is a high type of what the French church furnished this country in pioneer days.

Although young, Louisiana had a foreign policy, so to speak, and it is pleasanter perhaps to trace the growth of its external relations than to think of its domestic mishaps.

Noblesse oblige—empire imposes duties, as Americans are even now realizing. As the settlement was double,—the capital at Fort Louis, its harbor on the Gulf, in the angle between Massacre (Dauphine) and Pelican Islands,—so the object of the colony was twofold. The first, commercial, was to be carried out in developing trade with the Indians and Spaniards, and in shipping to France the product of the land, whether timber, peltries or minerals. Mines were still the *ignis fatuus* of explorers. The Spanish galleons from Mexico and Peru had for over a century been taking to Europe the gold and silver which made Spain the foremost country in the world. Charles V and Philip II would have been impossible without the New World behind them. And now the French sought gold where even DeSoto had missed it. No story was too strange, no glib adventurer incredible. Lahontan deceived even the great geographer Delisle, and Mathieu Sagean told of the kingdom of Acaniba, where gold was more plentiful than in Peru and women so numerous that the king changed wives every day. Such romances are laughable now, but they were then believed and by inflaming the imagination retarded legitimate growth. The second object in colonization was to be found on the military side. The original enmity to Spain had been checked by the ascent of a French prince to that throne, and Louis could exclaim "there are no longer any Pyrenees!" But the hatred to England only grew with time, and one of Iberville's dearest dreams was to ally all the Indian tribes with the object of driving back into the Atlantic the British colonists.

Whether it was to be military or commercial, the country must be mapped, and much of the exploration was done from Fort Louis and Dauphine Island. Naturally the first exploration was towards Canada, from which Louisiana had been discovered. Thus LeSueur from Biloxi explored the Mississippi river, built a fort in Minnesota, and took minerals to France. When Fort Louis was erected he went there, and after his death the LeSueur family were long prominent Mobilians. The Missouri river was well traveled, and the lower Mississippi was, of course, early known and its tribes disciplined. Almost the earliest slaves in Mobile were Chetimachas, from what is now called LaFourche, and after the removal of the capital to New Mobile its surveyor, Paillou, also laid off in 1714 the Fort Rosalie among the Natchez, which grew into the town named from those Indians. Red river was unsuccessfully explored for mines, and later by St. Denis on a trading venture to Mexico,—unfortunate, it is true, for the Spaniards were still jealous; but St. Denis had the satisfaction of a romantic love affair and won a Spanish wife on the Rio Grande. Texas, too, was always claimed and the coast explored, but little done beyond planting there the west boundary pillar of Louisiana, as the eastern was placed towards Pensacola.

The search for mines, whether at the sources of the Mississippi, up the Missouri, or on the Red and Arkansas rivers, was not remunerative. But the founding of posts, made from Mobile on the one site or the other, extended geographical knowledge, increased French influence among the Indians and brought a large commerce. Besides Natchez, thus arose Fort Toulouse (near Wetumpka), Natchitoches, Fort Chartres, in Illinois, besides others near Cairo, Nashville and elsewhere, and, greatest of all daughters of Mobile, New Orleans, which in 1721 became the capital and then outgrew her mother. French settlements came to dot the whole Mississippi Valley. It was all Canada could do to keep the beaver trade. In fact, at first Canada was jealous of Louisiana and there was a long rivalry as to the growth of Detroit and Mobile, founded by the French almost in the same year.

Towards the northeast the neighbors were different. The English were there, and by those wonderful men, the traders, were selling goods to the Indians even on the Mississippi. These traders deserve a special place in history and offer an important

and interesting subject of research. They were the advance guard of Anglo-Saxon civilization, and, although fewer in number than the French wood rangers, had a greater and more lasting influence. Pity it is that their names and residences are so largely lost. Only through his book is William Adair an exception, and Lachlan McGillivray is better known as Alexander's father than for himself. But to such men was due the fixed hostility of the Chickasaws to the French, and in time they even weakened the Choctaw alliance. They at first came down the Ohio and Tennessee rivers, until checked by a post and tannery established on the Ohio, dependent on Fort Louis. The time then came when the French took advantage of hostilities between the Creeks and the English to establish in 1714 Fort Toulouse, to control trade with the Alibamons and beyond. This changed the current, but after a while Georgia was founded by Oglethorpe, an English fort built at Okfuskee a few miles away, and English trade, lessened but still extensive, re-established by land over the rough country we call North Alabama with Creeks and even with the Chickasaws again. Cheaper trade must prevail in the long run, whether in colonial America in the eighteenth century or the world markets of the twentieth, and to the competition between the traders and the wood rangers was largely due the settling of the question whether America should be English or French.

The British were not only the better traders, but in numerical increase were more prolific. It was the beginning of a world process which we see going on in still increasing ratio. The Latin races—especially Spanish and even French, despite their Teutonic infusion—are almost stationary in population, as their predecessors became in imperial Rome; the Teutonic, including English and American, are increasing and can better spare their blood. Incidental to this are their different methods of colonization. The Latins have colonized half the world, but it has been principally a veneering of the natives. Mexico is still largely Indian; South America perhaps even more so. On the other hand, although Anglo-Saxons rule the natives in India and other tropical countries where they cannot themselves flourish, their typical colonization is in more temperate zones, where they push these to the wall and take their places, as in America

and Australia. They either rule or exterminate; they do not largely cross their blood or adopt darker races. Whatever the cause, when the struggle came the total English in America were one million and a half; the total French in Canada and Louisiana, hardly ninety thousand!

And yet at first this disparity was not felt, for the better diplomacy and strategy of the French were long able to prevail against numbers. It was due to Iberville that his countrymen arrived first in the coveted field, and then, as they held the rivers and the English were barred by the mountains, French influence dominated. But in time numbers told, and military invasion succeeded commercial competition.

There were intermediate gates in the Appalachian barrier range,—one by way of the Hudson river and the Great Lakes; a second, the Ohio river, at Fort Duquesne or Pittsburg, and even a third by the Tennessee and Cumberland rivers. But these do not concern us so much as the northern and southern flanks, and of these the route around the southern foothills of the Alleghenies, watched from the Gulf, was never lost. Mobile and her outposts did their duty and guarded their passes well, even after Mobile instead of being the capital was head only of a department. The inevitable conflict was settled, not on the Gulf, but far away on the St. Lawrence river. Only when Quebec was captured and the northern flank of the mountains became English in the Seven Years War did the weaker colony of Louisiana fall. Settled from Canada, by poetic justice she fell with it. Then the Peace of Paris, in 1763, dismembered Louisiana, transferring almost all west of the Mississippi, with New Orleans, to Spain, and all east to Great Britain, whose colonies were thus extended to the great river. The Mississippi Valley was never again to be united under one flag until Wilkinson took possession of Mobile in 1813 for the United States.

The temptation is strong to pursue the development further, but such thoughts would distract our attention from the one thing which now chiefly concerns us, the foundation two hundred years ago of Fort Louis de la Louisiane. True, the exact place of almost everything has been obliterated, the outlines and street names of the settlement preserved by no plan. I may perhaps claim to have recovered within the past five years the site of Fort

Louis, a discovery confirmed this winter by the finding of French bricks from the powder magazine over the bluff. And at first blush it seems strange that people speaking the English tongue should recall with pride and indeed at the recent Mobile bi-centennial celebrate what was done so long ago by Frenchmen, who would not recognize their very names as we pronounce them.

And yet therein lies the significance of the event. These Frenchmen builded better than they knew. Their immediate aim failed, it is true; for their territory after all became a hinterland for the British seaboard colonies; but this hinterland is now outgrowing the seacoast itself. The great Mississippi Valley which they intended as a dependency of France became a part, and is becoming the chief part, of independent America,—that strange modern complex, the resultant of British colonization from the east, French and Spanish from the southwest, and immigration from all the world besides. The English rule of the Gulf country as such lasted but a few years and in its turn gave way to Spanish; and Atlantic America became a sovereign power in its Revolution only by the negative help of the Spaniards, who swayed the Gulf, and by the effective military co-operation of the French from Europe. French Lafayette stands next to Washington in the affection of us all, and Washington himself called Spanish Galvez a true friend of the American cause. Even the expansion of these English colonies over the mountains to embrace the Southwest was modified by the interacting Latin influences, and in some respects the hinterland in some parts is even rather Anglo-Latin than English. So that while America is now one, with one world-wide future opening before us all, its roots are various, and the planting of French civilization on the Gulf of Mexico is as much a part of our history as Jamestown and Plymouth Rock. What these mean to the Atlantic seaboard, the foundation of Fort Louis means to the Mississippi Valley.

SKETCHES AND ANECDOTES OF THE FAMILY OF BROWN AND SOME OTHERS WITH WHOM THEY ARE CONNECTED, OR FROM WHOM THEY ARE DESCENDED.

[The following interesting and valuable family history was written, under the above title, by Dr. Morgan Brown, in his family Bible, now in the possession of the widow of his grandson, William L. Brown, from which it was transcribed by the courtesy of her son, the late Dr. William L. Brown.

The author, Dr. Morgan Brown, came to Tennessee from South Carolina in 1795, and was one of the leading citizens of Montgomery County from that time until his removal from the state in 1808. He laid out a town on the south bank of Cumberland river, at the mouth of Deason's creek, which was established by the legislature in 1796, under the name of Palmyra. Through his influence Congress made Palmyra a port of entry in 1797, then the only port of entry in the West. At this time Knoxville was his nearest postoffice. Palmyra was a port of entry for only two years, when it was deprived of that distinction in favor of Cincinnati. About 1802 he built a furnace some three and a half miles from the mouth of Yellow creek, which is believed to have been the first "iron works" operated in Montgomery County. He was chairman of the Montgomery County Court of Pleas and Quarter Sessions from 1800 till he moved to Kentucky in 1808. The writer does not know at what time he returned to Tennessee. He died in Davidson County, Tennessee, in 1840, at the advanced age of 82 years. He was a man of strong convictions and resolute purpose. He writes with great clearness, as well as force and vigor, and outside of his family history and genealogy, his sketch of the Revolutionary period in North Carolina is a valuable contribution to the history of that great struggle. Unfortunately he does not bring his memoirs down beyond the early years of the Revolutionary War.]

STEWARTS.

The following genealogy will speak for itself; it was written by Charles, the son of Patrick Stewart, and under his immediate direction, with a view to correcting some errors which had been committed by Crawford in his history of the Stewart family. This history had been sent by Crawford to Patrick Stewart, then in America, and he perceiving the error wrote to have it corrected, but never receiving any later edition of that work, had his own genealogy correctly made out and placed in his large family Bible, where it has remained until since the death of Ann, the daughter of James Stewart, son of Patrick. The said Ann

was married first to Edward Tonge, or Tongue, of South Carolina, at a place called Cairn Acre, where he died leaving no issue; she was afterwards married to Gist, of Union County, in the same State where she died, sometime after the death of her second husband, and leaving no issue. Upon request, this ancient paper was sent by Gist, the brother of Ann's deceased husband, to the writer of these sheets; the book from whence it was taken still remaining with him.

"January 18th, 1763.

"1st. Patrick Stewart, of Ledcreich, in the Balghinder, the southeast district of Perthshire, and Elizabeth his wife, daughter to Doctor Duncan Menzies and his wife Margaret, daughter to Robert Menzies, cousin german to Sir Robert Menzies, of Weem, and grandfather to the present Sir Robert and William Stewart, brother german to the said Patrick, came in company with six Argyleshire gentlemen and above three hundred common people from Scotland to Cape Fear in North Carolina the year 1739. The said Patrick was eldest lawful son to Alexander Stewart of Ledcreich, and Catherine his wife, daughter to Alexander Stewart, brother to Robert Stewart, of Glenogle, predecessor of John Stewart, of Hindfield and Strauser."

"2nd. Alexander Stewart, of Ledcreich, was only son to Patrick* Stewart, of Ledcreich, who suffered much in the reign of the two Kings Charles and King James the Seventh, and to Margaret his wife, daughter to Robert B. ——, of Drumlain, cousin german to the Laird of Lenny."

"3rd. Patrick was son to William Stewart, of Ledcreich and Sronslany, by Mary his wife, daughter to Duncan McGregor, of Dumvery, cousin german to Gregor McGregor, of that ilk, which family is now extinct."

"4th. William was son to Patrick Stewart, of Glenbucky, by his wife Christian, daughter to Sir John Drummond, of Migams."

"5th. Patrick† was oldest lawful son to Alexander Stewart, of Glenbucky, by his wife, —— Stewart, his own second cousin."

"6th. Alexander was son to Duncan Stewart, of Glenbucky, by his wife, —— McLarin, daughter to —— McLarin, of Achleskin, reconed then to be chief of that name."

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*This Patrick was a general in the royal army in the reign of King Charles the First, and in the course of the wars of the two kings Charles and James, the second of England and seventh of Scotland, he fought twenty-five field battles besides skirmishes, and suffered greatly on account of his loyalty to that family. James Canaway, February 8, 1789.

†This Patrick sold his right and title to Glenbucky to his next brother, Duncan Stewart, second son to the aforesaid Alexander, and his posterity enjoys the land and title at present.

"7th. Duncan was son to John Stewart, first of Glenbucky, by his wife, ——Buckhannan, daughter to —— Buckhannan, of Mo Castle, predecessor to the Lairds of Amprior, Ochleoy, Mo Castle and Deoclelles."

"8th. John, first of Glenbucky, was second son to William Stewart, of Buldoran and Balquethedor, by his Lady —— Campbell, daughter of Sir Collin Campbell, of Glenbucky, predecessor to the Earl of Bradalbine."

"9th. William was son to James Stewart, of Baldowran and Balquedher, by his Lady —— Buckhannan, daughter of Sir Patrick Buckhannan, of that ilk."

"10th. James, or Sir James Beg, as he was promiscuously called, was fourth son to Lord James, only surviving son to Murdock, Duke of Albany, by his Lady, said to be a daughter of the Earl of Antrim's, predecessor of the kingdom of Ireland."

"11th. Lord James was only surviving son to Murdock, Duke of Albany, Earl of Fife and Monteith and Governor of Scotland, by his Lady Dutchess, daughter to Duncan, Duke of Lenox. Of this Lord James descended the noble families of Evandale, Ocheltry, Down, etc., the present James Stewart, Earl of Morray, being now the chief family extant."

"12th. Murdock was the oldest lawful son to Robert, Duke of Albany, by his Lady, daughter to Murdock, Earl of Monteith."

"13th. Robert, Duke of Albany, was third* son to King Robert the Second, and first king of the Stewarts, by his Queen Elizabeth Muir, who was his first Lady." A.D 1390.

"This is the ingenuous history of my pedigree by uncontroverted history. PAT. STEWART."

NOTE: The writer of these sheets knew Patrick Stewart and his writing, and has no doubt that the signature to the original from whence this is copied is the proper signature of the said Patrick whose genealogy it purports to be, and that it was made with his own hand. MORGAN BROWN.

12th of March, 1826.

Patrick Stewart, with his wife and two or three children and his younger brother, William Stewart, came to North Carolina in the year 1739. He landed at Wilmington, and first settled at a place called Brown Marsh, in Bladen County. How many years he continued there is not now known, but after the marriage of his daughter Catherine to William Little he removed to South Carolina at the Cheraws, where he died about the year 1772.

*It is stated by M. Lavoisne in his atlas that Robert Duke of Albany was the second son of Robert the second King of Scotland. See Scotland in his atlas.

Patrick Stewart had five children, two sons, James and Charles, and three daughters, Margaret, Catherine and Elizabeth.

MARGARET AND HER CHILDREN.

Margaret was first married to Thomas Stewart and had one daughter, Elizabeth, who never married, but died an old maid at her own plantation on Cape Fear river about the year ——.

Margaret married a second husband, John Canaway, by whom she had four sons, James, Charles, Thomas and Robert; this last died young without issue.

James Canaway married Ann Stewart, daughter of William Stewart, the brother of Patrick, by whom he had two daughters, Jane and Elizabeth.

Charles Canaway married and is now living in North Carolina, perhaps on Cape Fear river, but whom he married and how many children he has had is now not known.

Thomas Canaway married Catherine, his cousin, the daughter of his aunt Elizabeth, the wife of James Stewart, of North Carolina, by whom he had children: Margaret, married to ——, of Todd County, Ky.; Dr. James Canaway, who now lives in the Mississippi State.

ELIZABETH AND HER CHILDREN.

Elizabeth, the youngest daughter of Patrick Stewart, married James Stewart, by whom she had five children: Catherine, married to Thomas Canaway; James, living in the Mississippi State; Elizabeth, married to William Jordan; Margaret, married to —— Pope and lives in South Carolina; Charles, who joined the patriots in Mexico and has not been heard of since.

CHARLES.

Charles, the youngest and the favorite son of Patrick Stewart, died a young and single man at Wilmington, in North Carolina, in the year 1765. In his last letter to his parents, No. 2, with his father's directions concerning it. Compare this letter with the genealogy No. 1, and the handwriting of both will be recognized.

JAMES AND HIS DAUGHTER ANN.

James, the son of Patrick Stewart, married in South Carolina a young lady of the name of Vilpontan, a descendant of the ancient French family of that name, by whom he had one child only, a daughter called Ann; she married Edward Tongue, of Cairn Acre, near the river Ponpon. Tongue died and she married a second husband by the name of Gist, in Union County, S. C., where they both died without issue.

CATHERINE AND HER CHILDREN.

Catherine, the second child of Patrick Stewart, was born in Scotland and came to America with her parents very young. She was married to William Little, then of South Carolina, December the 25th, 1764, and by whom she had one daughter, Elizabeth, born November the 24th, 1765, and married to Morgan Brown, the writer of these sketches, January 22d, 1784. William Little died in the latter part of the year 1766, and Catherine after living a widow several years married John Speed in July, 1774, by whom she had two children, a son called James and a daughter named Sarah, who was married to William Pigues, the son of Claudius, who was the son of Claudius Pigues of South Carolina, near the Cheraws, where they now live, and have several children, but their names and ages not now known. James married —— Hinson, and has several children, now living near the mouth of Red river, Montgomery County, Tenn., where he died.

William Stewart, the younger brother of Patrick Stewart, came from Scotland with him a young, single man, and lived with Patrick until he married a Miss Calvin, by whom he had two children, Patrick and Margaret.

PATRICK.

Patrick never married, but had an illegitimate son called Walter, who was raised by the family and married in Stewart County, Tenn. This Patrick at the commencement of the Revolutionary War received an appointment of captain in the minutemen of

North Carolina, and fought bravely at the battle of Moore's Creek Bridge, above Wilmington, against the Tories under McLeod and McDonald. But afterwards, taking some offense at the American cause, or some of the officers in the American service, he resigned his commission and joined the British army, where he received an appointment in the Queen's Rangers of the same grade he had resigned in the American service. In this employment he died before the close of the war.

MARGARET SPILLER.

Margaret married —— Spiller, a lawyer of North Carolina, but who came originally from Ireland, where he had left a wife and two or three children, which circumstance was wholly unknown to her. She lived with Spiller a very unhappy life for several years, when his wife and daughters arriving from Ireland, they were separated, and she died not long afterwards without issue.

William Stewart, after the death of his first wife, married Jane Williamson, the widow of —— Williamson, of Bladen County, North Carolina, by whom he had eight children: Catharine, Duncan and James (twins), Jane, Ann, Elizabeth, Charles and Eleanor.

Catharine married —— Devaughn; Nancy, or Ann, married James Canaway, as before mentioned; Jane married John Stewart, a Scotchman, and lives near Woodville in the State of Mississippi, has no children; Elizabeth married —— Ventress, and had several children, names unknown; Eleanor married a Devaughn, in North Carolina, where they still reside, if alive.

Duncan married Penelope Jones, daughter of Tignal Jones, of North Carolina, near Raleigh, by whom she had William, who died a child; Jones, now living near Woodville, State of Mississippi; Elizabeth married to Col. Hambleton, late of the United States army; Catherine married to Henry Cage, living near Woodville, Miss., and James now at Cumberland College at Nashville.

James married Catherine Knowlan, of Wilmington, N. C., by whom he had William and Knowlan, living near Woodville, but not known to whom they married.

FAMILY OF LITTLE.

William Little was born at Boston, in New England, of Quaker parents. His father died while he was yet a child, but his mother gave him such education as the place then afforded and the time would admit, for he left his school and married before he was nineteen years of age, and became a widower before he was twenty, without children. After the death of his wife he went to Ireland, on what business is not now known, nor how long he remained there; but probably some months, for there he became a convert to the Episcopalian religion, or Church of England, and was baptized by the Bishop of Cork.

From Ireland Mr. Little went to England, where he entered himself a student at one of the universities and pursued his studies there for three years. At the university be became acquainted with Christopher and Edmund Gale, sons of Sir John Gale, who were two of the Lord Proprietors' deputies for the government of Carolina, and being highly esteemed by them was preferred to the appointment of attorney-general and comptroller of that province. These officers he held when the Proprietors receded the province to the crown, after which they were continued to him with the addition of the appointment of receiver-general of the king's quit rents, all of which he held until the death of Chief Justice Christopher Gale, his father-in-law, when he was appointed to that office in his place, and which he held while he lived.

The Chief Justice Little had been very successful in the practice of law, and acquired a large fortune in land of the most valuable description in the province; particularly on Roanoke river, several fine tracts, one called the Oconeeha Neck, opposite Halifax, was of immense value. He was appointed one of the commissioners for running the boundary line between Carolina and Virginia, and for this service was granted a tract of four thousand acres in the Haw Fields, on Saxpahaw river, of very great value. And many others he obtained by purchase in different parts of the province.

Christopher Gale married the widow of Thomas Harvey, Governor of Carolina, by whom he had four children: Miles, Theophilus, Elizabeth and Penelope.

Miles married in Boston and had two children: Miles and Sarah; and this second Miles married and had two sons: Miles and Christopher.

William Little married Penelope Gale, by whom he had three children: Penelope, born July 28th, 1727; William, born September 27th, 1729; and George, born in 1731. As Mr. Little had married rather late in life, he died in the year 1734, leaving his children young; and, in the true style of an Englishman, left the whole of his large fortune to his oldest son, William, giving his son George a tract of land on Meherrin river, and binding him to the sea.

Mr. Little's widow, Penelope, was married a second time to Dr. —— Hardy, by whom she had two daughters: Sarah and Elizabeth. Sarah was married to a gentleman by the name of Hust. Elizabeth married a gentleman by the name of —— Boner, by whom she had two sons, and after his death she married a man by the name of Roberts. These people, the Gales, Harveys, Boners and Robertses, lived chiefly in and near Edenton and the mouth of the Roanoke, where I frequently hear of their descendants.

Judge Little was eminent in his profession, as an able lawyer, an honest man and an upright judge. He was greatly attached to the British laws and constitution, and partial even to the customs and manners of the English, adopting them in his family and style of living. Like them, also, he was a little inclined to superstition and rather bigoted in his religion! There is an anecdote told in the family of a circumstance which took place in court where the Judge sat as chief justice on the trial of a woman and her paramour for the murder of her husband. It appeared on trial that the murdered man had been missing for several days, and no trace could be found of his body, dead or alive. At length a witness appeared who testified that he had seen the spirit of the murdered man the night before, and that he, *the spirit,* told him that his wife and her paramour, the man accused, had murdered him, and after mangling his body had put it in a large basket and sunk it in the river at a certain place where it might now be found; and that if testimony should be lacking to convict the culprits he would appear in court himself! As the river was immediately before the courthouse, and the place of conceal-

ment near, an officer and assistants were immediately sent and the body found in the place and situation described! The trial continued until a late hour at night, for the advocate for the prisoners had suggested that the witness was the murderer, and had sunk the body in the river where it was found, and that was the true source of his knowledge, and not the spirit as he pretended, and which if true still lacked the personal appearance of the ghost to confirm his testimony! At that moment a hard gust of wind with lightning and thunder bursted several windows of the courthouse, blew out the lights and swept the papers from the table and the bench, whirling them out at the door and scattering them to the winds! The ladies screamed and the men were terrified! The accused were convicted, condemned and executed! Penelope, the oldest daughter of Judge Little, was present at the trial with her mother, and she related these circumstances to me. She was not more than five or six years old at the time, but says she well remembers the principal facts.

Penelope married a Mr. Robert Baker, on Cape Fear river, and by him had several children, sons and daughters, whose names are not now recollected, having lost or mislaid a memorandum she gave me of their names and ages. The oldest was Robert, or Samuel, rather a weak-minded young man, without much prudence or economy. He sold a very valuable tract of land which as oldest son he inherited from his father on Cape Fear river, where the old man died. One of Mr. Baker's daughters married a man of considerable property, but as he had a most inordinately bad temper she lived very unhappy with him. The weakness, extravagance and folly of the son, and unfortunate situation of the daughter, rendered the old lady dependent and unhappy in her old age. Mrs. Brown was very desirous she should live with us, but as we could not prevail with her before we left that country, we knew nothing of her situation until some years after we had lived in Tennessee, and but a short time before her death, about the year 1816 or '17.

Mrs. Baker was a fine, sensible, well-informed woman, and most agreeable companion. About the year 1786 she made us a visit in South Carolina for a fortnight or more, and about two years afterwards we visited her on Cape Fear river, near Elizabethtown. On these occasions we received the information con-

cerning the families which I have entered in this book, together with much more now forgotten, having made but few memorandums, depending on the memory of a beloved wife whose memory was more tenacious, and felt a deeper interest; but of which I am now deprived forever by the hand of death.

On one of these occasions, as we were conversing on the subject of the ghost appearing to convict the murderer, I asked her if she believed that the spirits of the dead ever did appear. She said no, though her early impressions were strongly in favor of such belief, but she was now convinced to the contrary, and related the following anecdote: Her mother, she said, was a woman of good disposition and an excellent temper, but high-spirited and firm in her principles. She had lived a most agreeable and happy life with her father, to whose manners and habits she had always conformed with the utmost cheerfulness. But when she married Dr. Hardy she found him a man of high and perverse temper, impatient of control or even advice. This dissimilarity in disposition often led to bickering, harsh words, and might have terminated in blows and flagilations if it had not been, as he said, that he had taken an oath never to strike her—but he would use several other modes of insult and punishment equally as bad if not so degrading! He would seize her by the shoulders and almost shake the breath out of her, and then pour a pitcher or pail of cold water on her head; and frequently repeat the same process several times. Penelope, now a young woman and present, and spirited enough to seize upon the transgressor, but was forbidden by her mother, would run to her father's grave at the back of the garden and earnestly implore him to rise and avenge his distressed and abused wife, her mother! She sometimes kneeled at the tombstone, and even lye down, continuing in ardent and solemn prayer that her father's ghost would come forth, but nothing ever appeared! One night as she was kneeling at the grave a terrible storm of wind, rain and lightning arose, which put her in great hopes of her father's appearance, but she never saw nor heard anything like him! She was therefore convinced that spirits of the dead never appeared, whatever occasion might require their presence. And she said she now believed that the storm on the night of the trial for the murder had no connection with the parties, but would have happened at the same time if

the murder had never been committed; though at the time she fully expected to see the ghost enter the courthouse every moment, and so she thinks her father and everyone present did.

Dr. Hardy, as a physician, was a man of knowledge and skill in his profession, but his intolerable temper, and his ill usage of his wife, who was much respected, and more especially when her two sons began to grow up and capable of resenting his savage conduct, induced him to leave the country. He settled near Monks Corner, in South Carolina, where, by his practice, he accumulated considerable property. At this place his daughter, Mrs. Hurst, paid him a visit, in hopes of obtaining some share of his wealth; but she gained nothing but a few small presents and money to defray her expenses. When he died or how he disposed of his estate is not known.

George Little, the youngest of the Judge's two sons, quit his profession, and, early leaving the seafaring life, settled on his farm on Meherrin river. He married Miss —— Parsons, sister of General Thomas Parsons, by whom he had three children. The oldest was a boy, and, as well as I recollect, called George; was drowned in Meherrin river in time of fresh, at perhaps twelve or fourteen years old. The second son, William Parsons, is yet living, a man of high respectability, and very wealthy, having inherited, as it is said, the largest portion of General Parson's immense fortune, besides that of his father. He has represented the district where he lives in Congress for many years, and his conduct highly approved.

George Little also had a daughter, who was married to Sharp Blount, brother of Wiley Blount, and half-brother of John Gray, William and Thomas Blount. They are both living but what children they have, I know not.

William Little, the Judge's oldest son, was only about five years old at the time of his father's death; and consequently could have made but small progress in his education. His father had intended him to receive such an education as would qualify him for the highest offices of the State, and, if he had lived, most probably would have sent him to one of the universities in England. Such an education as the province then afforded was all he obtained, which was considered as a good English education. He quit his school very early, and by way of improving himself

commenced writing in the secretary's office, where he made himself master of the general forms and routine of business there. But, possessing an independent fortune, and having no strict guardian to control him, he soon relaxed in his application to business and study, exchanging these pursuits for gallantry, amusements and dissipation.

Mr. Little as he grew up was rather tall than otherwise, of genteel form and manly features. He had a very engaging and polite address, and free, easy and communicative in conversation. He was unsuspicious of others, and strictly honorable in all his dealings. Young, wealthy and thus qualified, he was led into the first circles of society at an early period of life. Gambling was then the fashion, even among gentlemen, so-called, and among these there were always sharpers ready, like vultures, to pounce on their prey! Among such it was Mr. Little's misfortune to fall, and before he attained his nineteenth year he was stripped of his ample fortunes; and although he was under age and might have avoided all those illegal and gambling contracts, his high sense of honor suffered him not to avail himself of this privilege in a single instance!

Old Robin Jones* won the Occoneeha and some other valuable tracts on Roanoke river, and his descendants possess them at this time. Governor Burrington got the Hawfield tract, and sold it to Stredwick, whose heirs possess it at this day. And many other tracts to which no title ever was made, except his word given at the gaming table, or a scrip on which he wrote "I bet such a tract of land." The tract on Peedee river, on which the town of Sneadsborough stands, has no other title to this day. When he conceived his honor pledged, he never retracted, or accepted an indulgence. Having called at a silversmith's for a pair of sugar tongs made for him, on his return he played with a man for a tract of land worth three thousand dollars and lost it. The gentleman offered, by way of giving him a chance to win it again, to stake the land against the sugar tongs; but Mr. Little refused, and the sugar tongs are yet in the family.

After having thus divested himself of all his inheritance, as

*This man was the first lawyer and most eminent practitioner in the provinces at that time, and from him descended the family of Joneses in Halifax—Gen. Allen Jones, Wiley and Calvin Jones, etc.

he was riding towards Halifax, deeply musing on his situation, he met a family moving towards Peedee river. In the company there was a young lady of exquisite beauty; he stopped, inquired the name of the gentleman, and who the young lady was! It was Galeman Kimbrough moving to South Carolina, and the young lady was his daughter. He rode to the town where he was going, packed up a few clothes, and in two hours overtook the travelers and never parted company with them until he was married to Mr. Kimbrough's daughter.

Mr. Little purchased a tract of land on Peedee river, at the mouth of Hicks' creek, including the principal town of the Cheraw Indians, where he settled himself for life; his father-in-law living on the same plantation with him. He yet had several small tracts of land, the remnant of his fortune, and by the sale of these and some credit he stocked his plantation with horses, cattle and several negroes; and commenced indigo planting. In this pursuit he was tolerable successful, and might have become very wealthy again, as many of his neighbors did. But that strong propensity for playing cards had not forsaken him, although he had now become more skillful and cautious, and sometimes was the winner; yet upon the whole it was a losing busing, and a great neglect of his other concerns that would have been profitable. It should not be inferred from what is here said that he was a common gambler, or one who made a business of sharping, or seeking to take advantage of the ignorant and unwary, whether old or young. It was the love of play, on the most honorable terms, with a competent and honorable antagonist, that was his predominant passion; for, although he often fell into the hands of sharpers, he never practiced any unfair or underhand methods of winning his antagonist's money. No man in the country where he lived was held in higher estimation, as a man of honor and integrity, a good neighbor, a kind and loving husband, and affectionate parent.

By his first wife he had two children, a son called George, who died young, and a daughter called Sarah, immediately after the birth of whom the mother died. Mr. Little now lived a widower seven or eight years, when he married Catharine Stewart, the daughter of Patrick, by whom he had one child only, Elizabeth, who afterwards became the wife of Morgan Brown, the writer of these sketches, January 22, 1784.

Mr. Little was extremely happy in his second marriage; his wife was of mature age, being now about twenty-six years old, brought up by one of the best of mothers, and naturally of a strong and firm mind, with a most happy temper and disposition. She ardently endeavored, by all the means that such a happy coincidence of good qualities could command, to reform her husband from his inordinate passion for play; and she in a very great measure succeeded. She immediately on their marriage took home his daughter by the former wife, and performed the duties of a real mother to her! The little girl was not about nine years old, and, as that country afforded no proper place of tuition for females, Mrs. Little supplied the place of both parent and tutoress to the greatest satisfaction of both the father and daughter. But not long after his marriage Mr. Little began to decline in his health; he was troubled with a disorder then called the black jaundice, or black bile, but now has obtained the new and fashionable name of dyspepsy. This continued and grew worse, until it finally terminated in death in the latter part of the year 1766.

Mr. Little was born, by the best accounts I have been able to obtain, on the 27th of September, 1729, married Catharine Stewart on 25th of December, 1764, and died September or October, 1766, aged about 37 years. He was married to his first wife before he was 20 years old, but how long they lived together, I know not, and, as all the descendants of that marriage are dead, that branch of the family has become extinct, as will be seen presently.

When he died he was considerably in debt, but the prudent and economical management of the widow, who was the sole administratrix, paid all the demands in the course of three or four years. But it was a laborious undertaking for a woman to go through with; it cost her one or two journeys to Charleston, and as many to Cape Fear and Edenton, all which she performed and transacted her business with great credit to herself and saving of property to her children, for so she deemed them, seeming to have the same affection for Mr. Little's first daughter as for her own, and most undoubtedly done full as much for her; and the affectionate girl had the same fond attachment to her that she would have had to an own mother.

Sarah, the oldest daughter of Mr. Little, married William

Thomas, Esq., the son of Philemon Thomas, of Queen Anne County, Maryland. Mr. Thomas received a tolerable education at a small grammar school in the neighborhood of his father, and, as he was an only child, was raised under the expectation of inheriting his father's property, which was not great, but a comfortable competency; a snug little plantation, pretty well stocked with several negroes. But after the old gentleman had been in a deep decline for several years, as was supposed with a confirmed consumption, and at length confined to his bed, where a young and very handsome* woman was engaged to attend him as a nurse, he began to revive, and as soon as he was able to ride, he took her to the neighboring parson, and married her! This threw Mr. W. Thomas, the son, out of all expectation, and left him to the exertion of his own abilities to make his fortune. His father proposed selling his land and William, with the aid of his mother's relatives, of the name of Scott, became the purchaser. The old gentleman moved to Carolina, where he lived to have thirteen children by his young wife and saw the youngest of them grown up, or nearly so!

William, in a few years after, sold his plantation and also moved to Carolina. Having made but a small sum by his speculation, he was able to purchase but an indifferent tract of land, and sunk the balance of his money in building a mill where it could afford him little or no profit. At this critical period of his affairs he paid his addresses to Miss Sally Little and succeeded in obtaining her hand. He received with his wife the moity of Mr. Little's property, which by the care and industry of his widow was now clear of embarrassment. He used industry and very great economy, by which means he accumulated property and grew wealthy. But the unfortunate wife lived not to see the extent of the wealth he afterwards accumulated. After the birth of her first and only son, whom she called William Little, she was attacked with an inflammation of the internal parts of the abdomen, which from unskillful treatment mattered, and broke ex-

*This young lady's name was Covington, and of the same family as the late Gen. Covington. She was one of the most prudent and pious young women I ever knew. As soon as she was married she put on the manners and dress of a matron, although only about seventeen, and throughout her whole life conducted herself with the utmost degree of propriety. She died at an advanced age, in Logan County, Kentucky, where she had moved with some of her children.

ternally; continuing open for seven or eight years or more, when she was taken to Charleston to obtain medical aid of the most celebrated physicians. Drs. Budd and Ramsey were called in, and after consultation concluded to open the abdomen in order to commence the cure at the latent seat of the disease; but, the weather being hot in the month of August, a mortification ensued and she sunk under it, August, 1784.

Mrs. Thomas was naturally of a lively disposition, sprightly but chastened wit, well informed mind and sound judgment. She was a kind and affectionate wife, mother and sister. Being early and long afflicted, she became very pious. She was so strongly convinced of the duty of submitting to the ordinance of baptism by immersion that she had that initiatory rite performed in the middle of winter, notwithstanding her low state of health, and joined the Baptist Church.

Mr. Thomas never married again, but after the death of his wife seemed to redouble his efforts to accumulate wealth, and succeeded in making a very large fortune. The son, William Little, was placed at a grammar school, where he succeeded in acquiring the languages and manifested considerable traits of genius sufficient to have made a man of science; but when his education should have begun there it ended; for when he left his grammar school and should have been sent to college, he was left to the entire government of his own will, and, as might have been expected, fell into the habits of dissipation.

At about twenty years old he married Clarissa Benton, daughter of Col. Lam Benton, of Darlington County, in the Cheraw district. His father, now very rich, gave him a valuable plantation and hands to cultivate it, but his habits of dissipation and gambling were so entirely confirmed, and his expectations so great, his father having no other child to leave his immense property to, that he could not or would not reform. It took him but a few years to spend his property and sink himself largely in debt, and his fine plantation and negroes were sold by the sheriff. His father, who had refused to pay his debts, became the purchaser, and as William now had two sons, William and Alexander, they became the old man's only hope and consolation. William lived but a few years longer and died many years before his father, who now had the entire management and education of the chil-

dren, and made the same mistake he had made with their father. The mother married a second time and died a few years after; and as the young men grew up they contracted the same habits of dissipation and gambling which had destroyed their father; and the old man lived to see the dreary and melancholy prospect! He had been so much engaged in the pursuit of wealth that he could not take time to discipline and train his children to the pursuits or practice of the sober and moral virtues; nor to part with money sufficient to place them in a situation where those principles and habits might have been acquired. William Thomas, Sr., was a temperate and moral man in his general habits, educated and continued a Presbyterian by profession; a perfect miser in his practice, he continued grasping after wealth after every prospect of a worthy successor had ceased as he did while his only son was young and promising! He lived to the age of seventy-one or two, when, being attacked by a slow and lingering fever, he died at his own house on the plantation Mr. W. Little bought when he first settled on Peedee river. In his last illness he made a will, by which he left his property in the hands of trustees for fourteen years without saying who should have it at the expiration of the time. He had several half brothers and sisters, to whom he gave the paltry sum of two hundred dollars each, and seeming to be deserted by mankind, or all who knew him, was nursed by a stranger who happened to call at his house! and who was his only constant attendant until he died. The oldest of the two boys had given himself up to drink and dissipation so entirely that he destroyed himself before he was twenty years old. The second one, Alexander, instead of reforming on seeing the fate of his father and brother, became more sottish and drank to greater excess. He, however, as it is said, attained his legal age of twenty-one, and made a will by which he left the whole of his grandfather's large estate to the children of Mrs. Brockington, who was his mother's sister. And here ended the lineal descendents of Mr. William Little by the first wife, and that portion of his property which his daughter Sarah inherited is now in the hands of strangers, or very distant relatives. Mrs. Brockington descended from a brother of Galeman Kimbrough, who was the grandfather of Sarah Thomas by her mother.

[To be continued.]

Documents Selected
from the
Secret Archives of the Vatican,
which
Testify to the Interest and Zeal of the Roman Pontiffs
in behalf of the
People of America, both Before and After the Discoveries of Columbus.

Printed from photographic plates. Twenty-five copies in the style of this one have been printed by the Vatican press for distribution among the more prominent libraries of the world. 1893.

Translated for the Tennessee Historical Society
by
Rev. John B. Morris.

[Introductory paper read by Father Morris in presenting his translation to the Society, March 11, 1902.]

The work under consideration is a compilation from the Vatican Archives, bearing on the pre-Columbian and post-Columbian discoveries of America. It is one of twenty-five volumes prepared under the supervision of Chevalier Heywood, an American citizen, for distribution among the most prominent libraries of the world. As far as I am aware, it is the only book of its kind on the American continent, and besides it rarity, it has an additional interest and value in that it contains important documents, which, up to this time, have never come under the public eye. Some few, no doubt, had access to these papers prior to the opening of the Vatican Library to the general public, by the present pontiff, Leo XIII, but this is the first

time they have been published in their entirety, and presented to the world. Among others, we find here the historic bull of Alexander VI, inter cetera, in which he draws his famous line of demarcation from pole to pole, for the benefit of the kings of Spain, and in which he gives the papal sanction to the opinion then beginning to prevail about the sphericity of the earth. We also find in these pages a bull of Nicholas V, whose existence such a distinguished scholar as Professor Winsor has called in question. I shall have something further to say about this letter later on in the course of my remarks.

Our book is composed of twenty-five (25) documents written by ten (10) popes, extending over a period of three hundred and twenty-six years. It is so arranged that on one page (that is the right) we have photographic copies of the original, and on the other (the left) a rendition in modern characters by the learned and painstaking compiler. The originals, of course, are all hand-wrought, and in many cases beautifully executed in a style far neater and more compact than the ordinary run of state papers, even in our own time. The letters are in a remarkable state of preservation, when we take into account their great age; the first of them being almost seven hundred (700) years old. This preservation is the more striking when we contrast them with our own Declaration of Independence, which, though scarcely more than a century and a quarter old, is barely legible. In fact, I was informed quite recently that it is difficult to make out a single complete sentence in the original draft of the Declaration.

The first ten letters in the series, except one, that of Nicholas III to Bertrand Almaricus, regarding a custom prevalent in the cathedrals of Denmark and Sweden, contain references to the episcopal city of Gardar, in Greenland. The object, for the most part, is to instruct the metropolitan of Drontheim in regard to the collection of tithes taken up annually for the preservation of the Holy Land. The zeal and almost scrupulosity with which inquiries are made concerning these tithes, show how far the spirit of the Crusaders dominated church dignitaries in those days. Incidentally there are allusions of great interest, especially to archeologists, and more particularly Americans. These hints throw light on the condition of Greenland and Ice-

land as far back even as the beginning of the 10th century, when Nicholas V, among other things, informs us that the inhabitants of Iceland and Greenland some time about the beginning of that century, received the Christian faith, thus justifying in my mind at least the stories of Eric the Red and his son, Leif, and rendering more probable the Norse legends concerning Vinland and Markland. The date referred to by Nicholas as the time of the christianizing of Greenland, agrees practically with what we have long known: that Leif, the son of Eric the Red, paid a second visit to Greenland, bringing back with him a Scandinavian priest to preach the gospel to the natives. I am fully convinced that as investigation proceeds in the Vatican and other libraries, many traditions which are now without positive proof, will receive confirmation. Who knows but we shall discover documents proving conclusively the voyages of Bjarni Hergulfson, and papal documents concerning the report of Bishop Eric Upsi? Somehow I cannot bring myself to believe the Norse writings all legend. It may be true indeed that the most ancient saga is not older than the beginning of the 14th century, and that the stories told sagas were not committed to writing until tradition had long passed into fable. But, considering the temperament of the Scandinavian peoples, their hardihood and daring as navigators of the sea, we may well suppose they did not rest content with the discovery of Greenland, but passed beyond to the mainland of America. This conjecture (for conjecture it is) is strengthened by the fact that the Norse are not an over-imaginative people, and their legends, no doubt, contain more historical truth than we give them credit for. It is not unlikely that the invaders of Greenland, of whom Pope Nicholas speaks in this letter, may have been the inhabitants from the mainland of America, and many of the captives whom they brought back with them to their own shores may have remained among them, thus giving color to the legend that the Shawnee Indians spoke a European language, and the Cherokees had a lighter skin than the other savages of America. The Pope refers to the calamities of the native and foreign inhabitants of the Island of Greenland, which in fact is a part of America. The native born peoples must have been a race like the Esquimaux. The foreigners were, no doubt, descendants

of the Norsemen wrecked on the cost of Greenland, under the leadership of some adventurous Gunviorn or Eric. The invaders may have belonged to a race differing from either the native or foreign born inhabitants of Greenland. This argument does not prove too much in the light of the sagas and runic inscriptions. Of course, I must reiterate there is nothing of a positive nature in these surmises, but they do point out the way for a reasonable opinion, that even the mainland of America was known to Europe long before the discovery of Columbus. We do not lessen the glory of Columbus by sharing the honors of his discoveries with the Scandinavians or even the Irish. That Columbus himself was interested in the Norse is manifest from a visit he is said to have paid to Iceland some time in the year 1477. If Columbus really did make this voyage to Iceland, as Humboldt tells us, I think it fair to suppose that he had some knowledge of the Norse explorations prior to his time, and it is not too great a conjecture to suppose that he gathered information while in Iceland, which encouraged him to make his perilous trip across the dark Atlantic, for which he was rewarded by the discovery of the beautiful islands in the West Indies. He would not have undertaken a voyage to Iceland for the mere pleasure of a visit, for sea travel in those days was not only perilous but long and tedious. It is only a great purpose that could have impelled Columbus to undertake a voyage to Iceland, and that purpose must have been his desire to obtain further information about the lands to the West, a hint of whose existence, no doubt, he had gathered in previous study of Norse legends and history, translated into Latin, the great literary language of the time. This, it is true, is only an opinion, and it must pass current as opinion, and not, of course, as a positive statement of historical facts, but it appears to me, to say the least of it, a possible, reasonable and not at all an improbable opinion.

But to return to our book: The first letter is written by Innocent III, bearing date 1206. In this letter the Pope mentions the mission of Nicholas, Cardinal Bishop of Albano, to Norway during the reign of Eugene III. This Nicholas fixed the Metropolitan See of Norway at Drontheim or Nordoros, with John as first archbishop. He also named the sees which

should be suffragans to Drontheim, and among these suffragan sees, we find the Diocese of Greenland, whose episcopal city was Gardar. It is not known how long before this time the See of Gardar was established, but as this embassy of Nicholas took place during the reign of Eugene III, which began in 1145 and ended in 1153, we may suppose that this see was in existence some years before this time. At least in the annals which have come down to us we are informed that Greenland was ecclesiastically more than a century under the jurisdiction of the Bishop of Iceland. I feel sure the exact date of the creation of this see will be made known after further investigation in the Archives of the Vatican. Pope Innocent in the letter before us renews the privileges of the See of Drontheim, and confers the pallium on the archbishop, enumerating the days on which he is permitted to wear this ornament.

The next letter is written by John XXI, in 1276. The Archbishop of Drontheim had been ordered by the Apostolic See to visit personally all parts of the Kingdom of Norway, in the interest of the tithes to be collected for the Holy Land. This the Archbishop declares impossible, by reason of the great distance of the Diocese of Gardar from his Metropolitan City. He likewise alleges the difficulty of navigation, stating that scarcely less than five (5) years should be consumed in making the journey. He requests the Pope to permit him to send agents in his place, to which request the Pope accedes.

The second letter of this Pope, written about the same time, is also in answer to the Archbishop of Drontheim, who communicated to his Holiness the inconvenience not only of passing over unfriendly seas, but the hardships he should undergo in traveling through a barren country, where he says, because of the absence of houses, he should be compelled to provide tents for himself and followers; this, he alleges, would involve great expense to the church. In answer, the Pope leaves the collection of the tithes to the discretion of the Archbishop.

In letter four the Pope replies to a communication received from the Archbishop, in which he states that with the counsel and consent of his suffragans, he has increased the number of collectors in country places, because the two appointed according to the direction of the Holy See could not make the collec-

tions within the prescribed time, and because of the expense and labor of collecting in those country districts, he asks the Pope to grant the same favors to these latter collectors as those appointed by papal command. To this the Pope assents and grants to the collectors of the Archbishop the same indulgence as if they had been appointed by the Holy See.

The fifth letter is by John XXI, is likewise a reply to the Archbishop, who had informed him that the money in which the tithes were paid was useless outside the Kingdom of Norway, and in other places money did not exist and the tithes had to be taken up in milk products and fish. The Archbishop asks what is to be done with the worthless money, and with the fish and milk products collected in tithes. The Pope directs him to dispose of them as best he can for gold and silver coin, and to transmit the proceeds to the Holy See.

The sixth letter is a reply of Nicholas III, 1279, to the Archbishop of Drontheim. The Archbishop had informed him of the difficulty of navigation to the See of Gardar in Greenland. As a ship was about to set sail for those parts, he sent an agent to collect the tithes. The Archbishop had also empowered this agent to absolve clerics from certain censure, incurred by reason of failure to collect the tithes. He requests the Pope to ratify his action in the matter, which the Pope consents to do.

The seventh letter is by Nicholas III, 1279, and as it is not as important as the others, I shall say but a word concerning it. It is simply a reply to the Archbishop in regard to the taxing of bread and wine given by the faithful of the cathedrals of Denmark and Sweden for the consecration of the Holy Eucharist, to churches of less means throughout those kingdoms.

The eighth letter is by Martin IV, 1282. It likewise makes mention of Greenland. It seems the Archbishop had written the Pope that in this island tithes were collected in oxen, seal skins and whalebone. He wishes to know what he is to do with these articles. The Pope directs him to convert them into gold and silver coin and transmit them to the proper authority.

The ninth letter is the one referred to above. It is by Nicholas V, and was written September 20, 1448. It is the one whose existence or authenticity is questioned by Winsor. He, I suppose, was not aware of the document contained in our book.

Howley says, the Abbe Gernier mentions this bull, but on searching the Bullarium in the Propaganda Library, he (Howley) could not find it. This, of course, is natural, as the bull was in the Vatican Library, and not in the Propaganda. In this letter the Bishops Sakholt and Horlum are directed to inquire into the condition of the inhabitants of Greenland.

The tenth letter is by Alexander VI, written in the first years of his pontificate. In it mention is made of the great distance of Greenland, its situation at the confines of the earth, its barrenness, the difficulty of reaching it by navigation, the inconvenience of procuring a livelihood when there, the defection of the inhabitants of the island from the faith, the existence of a Christian relic, which they venerated each year, and finally the confirmation of Matthias, who had been appointed bishop.

I find this document rather confusing on many points. The Pope says Matthias was appointed when he himself, that is the Pope, was in minor orders, and yet at this time he still speaks of him as elect, a term only applied to bishops before their consecration. It does not appear whether this elect was ever consecrated or not, nor are we informed whether he ever visited his see. The Pope speaks of his self-denial and piety, and it would not be too much to assume that he did visit Greenland. However there is no account of a bishop on the island after 1409. This letter must have been written some time before the year 1500. Long before this, though, interest in the island had begun to diminish. All discoveries were claimed as a right of the throne, and in consequence there was no incentive for daring navigators to make the perilous journey. The bishop, however, could not be balked by difficulties, if he was the self-sacrificing man Alexander makes him out to be in this letter.

Now we come to the Columbian discoveries. In the eleventh letter, by Alexander VI to Ferdinand and Isabella, he congratulates them on the restoration of Grenada, and then speaks of their long cherished idea of discovering new lands, for the glory of God. He exhorts them to send out missionaries to the new land, and finally confers certain privileges on them in the lands discovered by their navigators or in future to be discovered.

The thirteenth letter is also written by Alexander VI, 1493, and is likewise to Ferdinand and Isabella. It is the famous bull inter cetera referred to by Prescott, who gives a very unfair translation of the expression "Certa Scienta." In this letter the Pope draws the famous line of demarcation.

The fourteenth letter was written by Alexander VI, 1493, to Bernard Boil, a member of the Order of Friars Minor, who had been selected to preach the gospel to the inhabitants of the newly discovered lands. He recites the privileges to be enjoyed by those who would go out in the new world as missionaries, and empowers Boil to erect churches and monasteries. He gives him faculties to bless the churches and monasteries, after their erection. As our time is limited, I shall omit reading this letter, and pass on to the next, which is of more concern to the Society.

It is written by Julius II, commending Bartholomew Color and his son to Ferdinand and Isabella.

The 17th, 18th, 19th, 20th and 21st letters concern the appointment of John de Quevedo, who is either the first or one of the first bishops ever appointed to a diocese in the new world. Prior to his election, Julius II appointed two priests, who were not satisfactory, it seems, to King Ferdinand, and there is no record, as far as I am aware, that they ever took possession of their sees. The names of the new dioceses were San Domingo and Concecion Vega, which latter, I presume, is identical with Santa Maria Antica, to which place John de Quevedo, mentioned in our letters, was appointed. The first of these letters is to the new bishop; the second to the people of his episcopal city; the third to Johanna, Queen of Castile and Leon; the fourth, also, to the Bishop-elect, John, in regard to his consecration. The fifth, likewise to John, relieving him of any censure he might possibly have incurred.

The twenty-second letter is to Brother Francis, of the Angels, Minister General of the Order of St. Francis. The Pope commends the zeal of this monk, manifested by his desire to visit the new world personally, there to preach to the heathen inhabitants.

The last letter is by Clement VII, to Charles V, in response to request for missionaries. In this letter the Pope appoints 200

missionaries to the new world, distributed as follows: 120 Franciscans, 70 Dominicans, 10 Heironymites. This is the last letter of the series.

I feel that I have detained you too long. Permit me to thank you for your kind attention, and to congratulate the Historical Society of Tennessee, which has been fortunate enough to secure one of the twenty-five valuable copies of papal letters, concerning the discovery, colonization and christianizing of America. They reveal to us the deep religious spirit of their writers, among whom we find a name which many historians have agreed to hold up to the execration of all future ages (Alexander VI). Many, no doubt, will be surprised to find such evidence of piety in anything emanating from this Pope, but the old adage "Give a dog a bad name and hang him," finds place in history as well as in the affairs of practical every-day life.

The book likewise indicates a profound Christian solicitude on the part of the civil rulers of the time. It is in many respects edifying to me, a Catholic, and it cannot fail to be interesting to every reader, whatever his religious opinions may be.

(To be Continued.)

THE NASHVILLE INN.

ADDRESS OF GEN. GATES P. THRUSTON AT UNVEILING OF TABLET.

[On the 6th of March, 1902, the anniversary of the burning of the Nashville Inn in 1856, Cumberland Chapter, Daughters of the American Revolution, erected a bronze tablet to mark the place where it stood. The credit of initiating the movement is due to Miss Elizabeth Atchison, the Regent of the Chapter. The tablet is two feet five inches by one foot five and three-fourth inches, and bears this inscription: "On this site stood the Nashville Inn, where gathered the early pioneers for all important political, historical and social events from 1783 to 1856. Erected by Cumberland Chapter, Daughters of the American Revolution, 1902." It was unveiled with imposing ceremonies. Governor McMillin was master of ceremonies, and Mayor Head accepted the tablet on behalf of the city. The principal address was by General Thruston.

This event is especially notable as being the first historic tablet of a permanent nature erected in Nashville. The city has many sites associated with events of great historic interest, which it ought to be its pride to mark, not for the benefit of the stranger only, but for the information of its own people as well.]

We are standing upon historic ground. The whole scene before us is replete with historic interest.

Here, in 1779-80, on this beautiful bluff, rising above the winding river, and covered with its primeval forest, James Robertson and his pioneer associates selected the site of the future city.

Here, in 1783, surely not later than 1788, in the center of the village settlement, was erected the first pioneer lodging house, or inn, in the entire Cumberland valley. It had no rival in the vast Western wilderness, nearer than New Orleans, St. Louis, and Lexington, Ky. Col. Putnam's map of "Nashville in 1804," places the Nashville Inn right here on this prominent corner of the village. We have, fortunately, preserved upon the walls of the Tennessee Historical Society, in the Watkins Institute, two fine engravings of this ancient landmark.

From humble beginnings, in the course of natural evolution, it grew into a handsome and imposing structure of three stories, with an imposing colonnade of porches in its front. It was a comely specimen of the old-time architecture. It covered

a large section of this square. It was, in fact, the Waldorf-Astoria of its day and generation, that satisfied the pride of the old-time city to the full. It was the social Mecca of Middle Tennessee.

All the old-time notables and celebrities, political, military, and social, enjoyed its hospitalities. Here they gossiped, and hobnobbed, and cracked their jokes, and sipped their toddy and mint julep, and planned their campaigns. Here stately matrons and lovely maidens, and courtly gentlemen of the old school, from far and near, were entertained. Here they had their dinings and banquets, and balls and courtings and weddings, and danced the old-time quadrilles and minuets and polkas, after the long-armed and highly prudent fashion, quite unknown to the young ladies and gentlemen of the modern smart set.

Here the old stage-drivers cracked their whips, and dashed across the square with their fine four-in-hands, with as much pride as if they owned the court house. Here the aristocratic old waiters, with their seductive smiles and gracious bows, raked in many a shilling and sixpence, and looked down with superior condescension on the humbler darkies of the town.

The old gossipers and busy-bodies also tell us that there was another historic and classic spot in the rear of the old inn, where the feathered heroes of the barn-yard engaged in sanguinary combats, amid the plaudits of very distinguished company, but I feel constrained to touch very lightly upon this ancient, and perhaps uncertain, tradition. We will not set up a bronze tablet there.

Yes, the old inn was a notable and picturesque old caravansary in its palmy days. Here James Robertson, the founder and father of Nashville, was a visitor and guest. Here, in 1805, Aaron Burr but recently the vice president of the Republic, was complimented by the citizens with a public dinner, before his suspicious schemes of conquest were known. I may mention also that I have a personal interest in early Nashville, as in the same year—1805—my mother's father visited Nashville, as a young traveler on his way from New Orleans to the North, and was doubtless a guest at the old inn.

Parton tells us that General Jackson was in the habit of stopping here for forty years or more. He was a guest there

in 1813, when he and General Coffee stepped across to the post office, on the east side of the square, only a hundred yards away, and had their almost deadly encounter with the Bentons—an encounter that well-nigh cost us the life of the hero of New Orleans, and well-nigh cost us the most remarkable military victory ever achieved upon American soil, for it was the genius and courage of General Jackson that inspired and won the battle of New Orleans, two years later.

Here, in 1815, when General Jackson returned in triumph from New Orleans, he was welcomed home at a public banquet at the inn. It was upon this occasion that Gov. Willie Blount arose at the table and presented him a splendid sword, the gift of the State of Mississippi, for his services in the Creek War. It was here also that in 1818 he was honored with a public dinner on his return from Washington, the hero of the nation. Here, in 1825, General LaFayette, the friend and ally of America, was complimented by a banquet, at which General Jackson presided, and Felix Grundy, Governor Carroll, and other distinguished citizens, were vice presidents. President Monroe was a visitor here during his stay in Nashville, and Martin Van Buren and Louis Phillippe—later king of France.

It seems that in later years, when party spirit ran high, the City Hotel, on the next corner, aspired to rival the historic old inn.

Meeting an old citizen the other day, I innocently inquired what he knew about the history of the old Nashville Inn. "Nothing good, sir," he replied. "Nothing good; that old tavern was Democratic headquarters, and we old line Whigs considered the City Hotel a much more respectable place." It seems that it takes a long time for an old line Whig to forgive the sins of an old-time Democrat.

Over there, at the rival hotel, doubtless, Henry Clay and John J. Crittenden and John Bell, Sergeant Prentice, Meredith P. Gentry, and Neill Brown, and the old Whigs, hung up their saddlebags, and stayed all night. Millard Fillmore was doubtless entertained there. The old City Hotel had an honorable record, but it lacks the historic memories that will always cluster about this old corner. Unhappily, in 1856, this notable old landmark was destroyed by fire, and the City Hotel and the old

Sewanee and St. Cloud Hotel were left in undisputed sway. Soon the new Maxwell loomed up in majestic proportions, and became the real successor of the old inn, and in the new era of progress these fine buildings were erected, and now mark the memorable old corner.

Some years ago, the Tennessee Historical Society undertook the patriotic duty of marking the historic sites of Nashville, but their work was transient and incomplete. The ladies, always the advance guard of patriotic sentiment, the Cumberland Chapter of the Daughters of the American Revolution, and its worthy regent, Miss Atchison, who first suggested the erection of this tablet, are the real pioneers in this patriotic work. They must be credited with erecting and dedicating the first permanent and enduring historic tablet in our city—a memorial that will tell future generations where to find the site made famous by the Nashville Inn. All honor to these patriotic and enterprising ladies! All hail this auspicious beginning! May it be the precursor of many historic tablets.

In behalf of these patriotic ladies, I now have the pleasure of presenting this historic memorial to his honor, the Mayor, and the City of Nashville.

JAMES FENTRESS.

BY DR. WILLIE BLOUNT FENTRESS.

[The late Dr. Willie Blount Fentress, of Robertson County, was the last surviving son of James Fentress. He prepared this sketch at the writer's request in 1880. James Fentress is distinguished as being the only man who has served five terms as Speaker of the Tennessee House of Representatives. Fentress County, and its county seat, Jamestown, were both named in his honor.]

James Fentress was born in New Hanover County, North Carolina, February 16, 1763. His parents were from near Exeter, England, and came to this country at an early date, and consequently had but few opportunities of educating their children; consequently his education was quite limited. Was taken a prisoner by the British, when fifteen years old, while plowing corn for a poor widow. Made his escape, and lived in the woods for five or six months. Joined the army before he was sixteen years old; was captain of a volunteer company, and served under Gen. Littington. After peace was made he married Barbara Wells. Having been left poor, he had to labor hard for a support for himself and family. Moved to Montgomery County, Tennessee, in 1800. Soon afterwards was appointed a justice of the peace by the Legislature, which office he filled with great satisfaction to the early settlers. Lost his wife in 1804. Married Ann Read in 1810. Was elected a representative in the lower house of the Legislature in 1809, which position he filled for fourteen successive years, and was speaker for the last ten. Lost his second wife in 1817, and soon after retired to private life, for the purpose of taking care of his little children. Was appointed one of the commissioners to locate the county seats of West Tennessee. Was appointed an elector on the Van Buren ticket in 1836. He was respected by all who knew him. Died June 20, 1843. He aided Governor Blount while in the Legislature, in raising troops and equipping them to suppress the depredations of the Creek Indians, and in securing Andrew Jackson to take command of them. He was a man of great firmness, and would not equivocate for position or gain.

FIRST STREETS OF NASHVILLE.

By Morton B. Howell.

[Read before the Tennessee Historical Society, Feb. 11, 1902.]

In undertaking to prepare for the Historical Society a paper upon the streets of Nashville, it was found that it became necessary to examine into the manner in which the city was laid off in the beginning. This has occasioned an amount of searching into maps, surveys, deeds and court records and decisions, which involved an unexpected quantity of time and labor. To the general public these details of forgotten things are not likely to prove interesting. Even to the members of the Society, desirous as they are that every vestige of our history shall be preserved, much of what will be said may be "barn door fowl flights of learning," and little more attractive than any other antiquarian notes and queries. Still, dry as they are, such facts as will be presented are at the foundation of the city history, and, like most other foundations, they are rough and unpolished, and usually covered from public sight.

After digging into them one can better understand why the traditions of Athens made Athena or Minerva the founder of the city, and why the people of Rome ascribed its origin to Romulus, the wolf-nurtured, under instruction from sacred oracles. It was easier to invent the supernatural than to learn the facts.

There was nothing miraculous about the origin and founding of the city of Nashville. The story of the arrival of the parties of Robertson and Donelson at the Bluff in 1779-80 is familiar. What happened with reference to the town is what now concerns us.

FAMOUS SALT SPRING.

The aborigines and all the deer and buffalo knew that there was a salt spring in the low ground, where the spring still flows. There were others in various parts of the country,

and their value to the people, as well as to the grass-eating animals, was very great. The Legislature of North Carolina in 1782 enacted that no grant should include any salt lick or salt spring, but these places were declared to be reserved as public property, together with 640 acres of the adjoining lands, for the common use and benefit of the inhabitants, and not subject to future appropriation.

In accordance with this enactment, Thomas Molloy was employed as surveyor to lay off the 640 acres of reserved land around the French Salt Lick. Considering that 640 acres make a square mile, one would suppose that the surveyor would put the salt spring as nearly as possible in the center, and lay off the land with that idea. It is presumed that every one knows where the salt spring was, and is now. The tract of land set apart and surveyed for the reservation was as follows:

Beginning on the bank of the river 18 poles (297 feet) below the mouth of the Lick Branch; and running thence south 67 degrees west 226 poles (3,729 feet) to a hackberry; thence south 33 degrees east, crossing Lick Branch, 242½ poles (4,001¼ feet) to a stake; thence north 57 degrees east 13 poles (214½ feet); thence south 33 degrees east 385 poles (6,352½ feet) to an elm; thence north 67 degrees east 246 poles (4,059 feet) to a stake by a dry branch in Jonas Menefee's line; thence due north 38 poles (627 feet) to a white oak on the river cliffs; and thence down the river with its meanders to the beginning.

The first or north line of this tract is now Jefferson street; the point in Jonas Menefee's line is on the hillside a short distance west of the City Hospital; and the white oak stood where Peabody street now ends on the river bluff. What Thomas Molloy's motive was for locating the north line of the survey so near the spring must remain a mystery, unless it can be explained by the fact that James McGavock had entered the land lying north of Jefferson street.

NASHVILLE LAID OFF.

In 1774 the Legislature of North Carolina enacted that 200 acres of the land appropriated to the French Salt Lick should be laid off at a place called the Bluff, on the south side of the

Cumberland river, for a town to be called Nashville, adjacent to the French Lick, in which said Lick should not be included.

The same Thomas Molloy, who had surveyed the reservation of 640 acres, was engaged to map the new town. Where he began seems not to be known. The south line was from the east side of McLemore street along the north side of Broad street to the west side of Front street. The east line ran along Water, now Front, street to the north side of the Public Square. Here there was an offset of a few yards toward the river, and the line then continued to a point near to Whiteside street. The west line was the east side of old McLemore street to Line street. The north line was along Line street to a point 176 feet west of College; then at right angles northwardly about 600 feet, and thence, again at right angles, eastwardly, to the west line of Water street. This last line would probably pass through what is now the property of the Nashville Gas Company, but without a survey it is not practicable to give it with any exactness.

It will be observed that the limits of the 200 acres intended for the town do not include any part of the land lying along the river bluff, between Water, or Front, street and the river. The reason of this is another mystery, of which no explanation has been given.

DAVIDSON ACADEMY GRANT.

In 1875 the grant of 240 acres to the Davidson Academy was made, to which we will presently return.

In 1789 the Legislature passed an act directing the residue of the 640 acres, including the bluff, to be sold. This residue was surveyed for John McNairy on December 14, 1790, by Anthony Foster, and on December 20, 1791, a grant was issued to McNairy for 200 acres. This tract was described as beginning on the river bank below the mouth of Lick Branch, extending up what is now Jefferson street; thence across the branch, and east and north and again east along the western and northern lines of the town to the river, and down the river to the beginning.

John McNairy, the grantee, had been a judge under the authority of North Carolina. In the spring of 1790 he was

appointed by the President territorial judge, which position he was holding when he took out the grant. He continued in that position until April, 1796, when Tennessee became a state, and was then appointed by the Legislature one of the three judges of the Superior Courts. Early in 1797 he was appointed by the President district judge of the United States Courts in the state. His will was written in 1833, and probated in the Davidson County Court in 1837. He built a fine residence on the hill north and west of Hamilton and McLemore streets, on a part of his 200-acre grant, which continued to be an elegant mansion for many years. The bold spring of water which, until comparatively recent years, flowed out near the eastern corner of his grounds, was known as McNairy's or The Judge's Spring. It was from this spring that the people of Nashville were supplied with cool water during the warm weather.

TITLE TO RIVER BLUFF.

After this grant had been registered, Judge McNairy discovered that in the description of the property bought by him an error had been made. The act of the Legislature of North Carolina of 1789 had directed the sale of the residue of the 640 acres, including the bluff. At the sale of this residue he had become the purchaser, at the price of £200, but the grant did not include the bluff. Then began a series of suits by him to secure this land on the bluff. Meantime the authorities of the town of Nashville had taken possession of it, laid off the ground into lots, and claimed to own it. Finally, on May 19, 1818, a paper was signed by John P. Erwin, Mayor, and registered, whereby, after reciting that the Mayor and Aldermen of the town of Nashville and John McNairy had made an agreement and compromise, "which put an end to a long and litigated lawsuit," the town quit-claimed to him all the land between the first row of lots and the river, beginning at lot No. 1 and running to north side of lot No. 166, reserving the streets and alleys expressed in the act of the General Assembly passed November 17, 1815."

The compromise gave to Judge McNairy the bluff from the present Locust street, about at the south end of the city workhouse, to the northern limits of the town. He, in turn, quit-

claimed to the town the rest of the bluff property, from Locust to Broad street.

JUDGE McNAIRY DISSATISFIED.

It seems, however, that Judge McNairy was not satisfied with the title thus acquired, as, indeed, he well might not be in view of the complete lack of title on the part of the town of Nashville; for, on June 5, 1822, a long entry was made on the minutes of the Circuit Court, in the case of John McNairy against Andrew Hynes and others, reciting the history of the Salt Spring Reservation, the grants of 200 acres for the town and 240 acres for Davidson Academy, and his purchase of the residue, and ordering that the calls of his grant be amended by including therein all the land between the front line of the town lots and Cumberland river, that ground being a part of the residue.

The grant made in November, 1785, of 240 acres, for the benefit of the Davidson Academy by the State of North Carolina, recites that in consideration of the sum of £10 for every hundred acres "paid into our treasury by the trustees of Davidson Academy," the state grants to Thomas Craighead, Hugh Williamson, William Polk, James Robertson, Daniel Smith, Ephraim McLane, Lardner Clark and Robert Hayes, a tract of land containing 240 acres and described by courses and distances, which I shall translate as follows:

Beginning at a Spanish oak on the river's bank, the upper corner of the town of Nashville, then along the southern boundary of the town 2,986 feet to a black walnut stump, now the east side of McLemore street; thence north 33 degrees west 4,750 feet, crossing the Lick Branch, to a dead, stooping white oak; thence at right angles westwardly 428 feet to Elijah Robertson's line; thence at right angles southwardly and along Robertson's line 6,352 feet to a point on the rail road track near where Lea avenue extended would reach it; thence south 67 degrees east 4,059 feet, passing between two brick houses on the east side of Spruce street, neither of which is parallel to the street, crossing Cherry street a few feet south of Lincoln alley, running through the front end of Mr. Hardison's house and south of Dr. Douglass' Infirmary, to a

point in the small ravine or hollow east of Fillmore street; thence north 627 feet to where Peabody street continued would reach the river; and thence down the river to the beginning.

EARLY TRANSPORTATION SLOW.

This tract was surveyed by Daniel Smith on September 26, 1786, and the grant is dated June 12, 1793. Going to Raleigh and returning in those days must have been a great journey, since nearly twelve years passed between the survey and the grant. This land was the free territory which played such an important part in the history of Nashville previous to 1884.

By an act of Assembly of North Carolina which incorporated the trustees of Davidson Academy, it was declared that no lands which might be vested in the trustees for the sole use and behoof of the academy should be subject to any tax for ninety-nine years. It was by the seventh section of this act that the tract of 240 acres was granted.

By section 9 of the act of the General Assembly of Tennessee of 1806, whereby Cumberland College was incorporated and Davidson Academy merged into it, the property of the college was declared free from taxation forever.

The college had sold a large portion, in fact nearly all, of this land previous to the year 1836. The taxing authorities of the state about that time concluded that the exemption from taxation intended by the Legislature of the two states was to last only while the land should continue to belong to the college. Accordingly, to test the question, they assessed for taxation the land lying on the river bluff next south of the mouth of Wilson Spring Branch. This property belonged to the firm of Hicks, Ewing & Co., Anthony W. Vanleer being the company. The owners resisted the attempt to tax their property, and the Supreme Court in a very short opinion, reported in 9 Yerger, 487, decided that the property, though sold by the college, was not liable to taxation.

TAX ASSESSED ON LAND.

Thus the matter remained until after the adoption of the constitution of 1870 and the passage of the act of 1779, when

another effort was made to require the payment of taxes assessed upon these lands, by the State Comptroller filing a petition in the Circuit Court of Davidson County for a writ of mandamus, to compel the County Trustee to assess and collect taxes upon certain lots located within this territory. The circuit judge granted the writ, but, upon appeal to the Supreme Court, his judgment was reversed, and the writ refused, mainly upon the ground that these lands had for so many years continued untaxed that freedom from taxation had become a rule of property, and the few years to elapse before the expiration of the period of ninety-nine years made it impolitic then to reverse the action of the previous Supreme Court. This decision was given by a divided court, three to two, at the December term, 1881, and is reported in 8 Lea, 594.

In 1884 the period of ninety-nine years expired, freedom from taxation of the Academy lands which had been sold ceased, and the whole matter is now a back number.

VARIOUS SURVEYS.

It has been stated that Thomas Molloy surveyed the original Salt Spring reservation, and the 200 acres for the town of Nashville; that Daniel Smith surveyed the academy grant; and that Anthony Foster surveyed the residue of 200 acres bought by Judge McNairy, and attempted to be described in his grant of 1791. Clark ran his survey along the western boundary of the town and across the Lick Branch. Foster, coming from the opposite direction, also made his line across the Lick Branch. This caused an overlapping of these grants in the neighborhood of Cedar street, which resulted in another litigation between Judge McNairy and the purchasers from Davidson Academy and Cumberland College. This continued with the usual persistency and acrimony on both sides, until finally a compromise was arrived at by which the line between McNairy and the Academy property, and therefore the northern limits of free territory, was fixed about half way between Cedar and Pearl streets, nearly along a narrow lane now called Shankland street.

Thomas Molloy, as has been said, laid off the town. Although he did the remarkable thing of completely cutting off

the town from access to the river, without going through and across the property of the state and of Judge McNairy, his memory has been kept alive by giving his name to the short street in the Academy property, running from Market to Front next south of Demonbreun.

TOWN LOTS LAID OFF.

The 200 acres of land allotted to the town were laid off into 165 lots of one acre each. There were only two streets in this plan, which ran east and west. One of these, Cedar, ended at the Public Square; the other, Spring, at Water street. Neither Broad nor McLemore nor Line street belonged to the town, nor were they any part of it. Both Broad and McLemore were laid out in the sub-division into lots of the Academy property. It is probable that Line street was allowed by Judge McNairy to be taken out of his land west of Criddle street, since the line of the 200 acres surveyed for the city calls for its south side.

Water street was not a part of the 200 acres, as appears from the claim of Judge McNairy that the land between the front of the lots and the river belonged to him.

The streets running north and south were Main, or Market, street, College, Cherry, Summer, High, Vine and Spruce. The original plan did not call for any alley or avenue. The reason for this omission may possibly be explained by the fact that there were very few wheeled vehicles at that time of any kind, and very few things to haul in them. The people who did not walk rode horses, and there was no difficulty in carrying all they possessed.

UNUSUALLY WIDE STREETS.

Of late years there has been much said about the narrowness of the streets of Nashville. Not long ago I happened to hear, on a street car, a lady who had resided here a few years, say to another from her native state who was here on a visit: "If the people who made this city had imagined it was ever going to be more than a village, they would have made the streets wider." This lady did not know that the streets of Nashville in 1785 were fully as wide, if not wider,

than those of almost any other city of its day. They compared favorably in this respect with the streets of the old part of Boston, New York, Philadelphia and New Orleans, and were at that time amply wide for all purposes. People forget, or perhaps they do not know, how modes of transit have changed even during the last fifty years, and how the number of different sorts of vehicles has increased. There are many persons now living who can recall the day when ladies residing in the country thought no more of coming to town on horseback than their daughters do now of being brought in by their carriages, and when such a thing as a blockade of the streets by wagons was unheard of. The fashion of wide streets is modern, and our city's finances will demonstrate that it is very expensive.

The name of College street was given because the college building directly faced its southern end. The main entrance of the college grounds was up a flight of stone steps, on the south side of the present Franklin street, and the walkway led straight to the great door of the central building.

For years previous to 1849 it was the custom of James Hamilton, professor of mathematics, to make observations to determine the correct time. Every Saturday at five minutes before 12 o'clock, m., he displayed a red flag from the college window. All the jewelers assembled at that moment on College street at Union. Precisely at 12 o'clock the red flag was withdrawn and a white one substituted, and thus it was possible, once a week, for every clock and watch in Nashville to be set right.

Professor Hamilton died of cholera in June, 1849, and no one succeeded him in this kindly office.

NAMES OF OTHER STREETS.

Why and from whom the other north and south streets received their names must remain a matter of conjecture. Water street came naturally, as being near the water, though Surveyor Molloy had cut off the town from access to it. In after years this was changed to Front street, for no visible reason, since it fronts nothing. Market street was first called Main, but soon took its present name. There was no market

or markethouse on it, however, and never has been. Cherry and Summer were mere fancies. High street may have been so called because it ran directly over the top of Campbell's Hill, and thus, at that point, was the highest street in the city. What can be said for Vine and Spruce? There may have been vines, but it is certain there was not a spruce tree within very many miles of the town, and never has been, except such as were brought here by those whose memory of Northern homes preferred that tree to the indigenous growth of the country. As to these spruce trees so imported, nature has generally asserted its priority and supremacy, and refused to allow them to live, our long, hot summers not being congenial to trees which were intended for lands of snow.

The only conjecture as to the origin of these names that seems reasonable is that they were adopted in imitation of those of the streets of Philadelphia. At that time it was the general custom of our merchants to buy their goods in that city, and transport them across the mountains in wagons or on horseback: these were names of Philadelphia streets, and it was but natural to imitate instead of create.

The name Cedar street was ready to hand. Nearly all of it was opened through a cedar glade or knob, the last sign of which did not disappear until long after the corner stone of the capitol was laid.

CHURCH FORMERLY SPRING.

Spring street opens up a wider conjecture, with some show of historical fact. Somewhere between College and Market streets there was a bold spring. It has been said that this was the spring which was within the first fort built by the Robertson party. It was the only spring on high ground south of the Public Square. However it may have been, the street was so laid out that the spring was in the middle of it. Gradually the street filled up, and bored logs were laid in the ground through which the water was conducted across Water street to the bluff. When the first reservoir was established in the rear of the Cantrell Block the spring ceased to be one of value, and was filled up. As late as 1862 the water continued to flow out at the bluff side of Water street, and until the changes made by the Federal army in extending the wharf

covered it up entirely. When the river is low the bubbling of the water from the spring may still be seen under the bluff at the river's edge.

As the years passed churches began to be built on this street; a Methodist church on the north side, between Cherry street and Black Horse, or Printer's Alley; the Presbyterian Church, McKendree Church, Christ Church, where the Willcox Building now is; a Baptist church, which afterward became a Christian church, where the Mill Block is; people began to call it Church street, and finally the name was officially changed. The change was unfortunate, because it tended to blot out of public memory an important landmark in the history of the town. Now that the churches are going and only two remain, it would be well to return to first principles and give back the old name.

LINE A HISTORIC STREET.

The change of the name of Line street to Jo Johnston avenue does not appear to have been made for any good reason, and is subject to the same objection, that it tends to break down the old landmark, and to erase the memory of the fact that this was in the beginning the north line of the town.

In saying that there were no alleys laid off in the plan of the town I am not ignoring the fact that the act of 1784 of North Carolina directed the trustees to lay off the 200 acres in lots of one acre each, with convenient streets, lanes and alleys, and to reserve four acres for the erection of public buildings. They reserved the four acres, but they did not lay off any lanes or alleys. The manner in which the trustees laid off the four acres presents more the idea of the Spanish plaza than of a site for public buildings. This public square custom prevails generally in Middle Tennessee, but whether it was derived from the Spanish practice or the example of Nashville, some one else may decide. Our four acres seem not to have been entirely devoted to the purpose designated by the act.

How the town lots were disposed of, how Deaderick and Union and other streets and alleys came into being, and what were the next steps in the progress of the town of Nashville, are subjects which should be interesting to the Society. This paper, however, is as long as ought to be allowed, and it will now close.

EDITORIAL.

FROM THE RETIRING EDITORS.

During the past six years this MAGAZINE has been published by the Peabody Normal College, deriving its name from the Chair of American History, instituted in the college in 1895, of which chair the MAGAZINE has been the representative. While touching somewhat upon general American history, the attention of the MAGAZINE has been especially devoted to the rich field of Tennessee history.

Beginning with the present issue, the MAGAZINE will hereafter be published immediately under the auspices of the Tennessee Historical Society, under the supervision of a committee of the society, with Mr. Albert Virgil Goodpasture as editor, and will be devoted mainly to Tennessee history.

In retiring from the management, the undersigned editors, on behalf of Peabody Normal College, respectfully express to their readers and patrons, their thanks for the liberal patronage, and the many favors which have been extended to them by the historians and scholars, and by the learned societies, and the great libraries of the United States, and they bespeak the continuance of the same favor and confidence to the new management.

It has been our policy to supply historians and scholars with the materials of history, believing that such information is more valuable than historical essays, however brilliant or able, which present only the individual opinions or reflections of the author. To this end we have devoted the pages of the MAGAZINE mainly to the publication of old manuscripts and documents relating to the early history of Tennessee, which have been lying dormant for many years in the archives of the Tennessee Historical Society, of the University of Nashville, or of the State of Tennessee, or in the possession of private individuals, and have never before been published, or made accessible to historians.

Among these are the correspondence of Gen. James Robertson, the proposed Constitution of the State of Frankland, Blount's journal, manuscript diaries of old pioneers, letters of Andrew Jackson, David Crockett and others.

In addition to this we have republished many valuable old documents, statutes, circulars, and historical papers, which have become out of print and forgotten, but which shed much light on our early history.

It is a matter of congratulation that the Tennessee Historical Society has now entered actively upon the publication of its valuable documents, and has placed the work in the hands of an editor peculiarly fitted for the task.

Mr. A. V. Goodpasture is known to the readers of this MAGAZINE as the author of many of its most valuable articles. He has been for many years a zealous member of the Tennessee Historical Society, and is one of the best informed historians of the state. No one is better qualified to continue the work which this MAGAZINE has only begun. The archives of the society contain many documents of great value, yet unpublished, and the work will be greatly facilitated by the recent labors of Mr. R. T. Quarles, who has completed the task of arranging for ready reference, with convenient index, the great mass of papers, which had previously been hidden away unclassified in boxes and barrels.

From this rich and almost inexhaustible field, Mr. Goodpasture will be able to supply the historians much in valuable historical material.

Respectfully,

W. R. GARRETT,
JOHN M. BASS.

ANNOUNCEMENT.

We announce in this issue an entire change, in both editorship and ownership, of this MAGAZINE. In the future it will appear as the organ of the Tennessee Historical Society. It purposes hereafter to make a still freer use of the Society's rich store of unpublished letters and manuscripts. It will likewise publish such articles read before the Society as may be deemed of sufficient interest and merit, and the excellent Committee to pass upon these has been appointed, consisting of

Dr. W. R. Garrett, chairman; Dr. R. L. C. White, and John M. Bass, Esq.

We feel it due Dr. Garrett, who edited the MAGAZINE from the first issue to this time, and Mr. Bass, who became associated with him in its editorship the past year, to say that they have done their duty faithfully and well, and have built up the MAGAZINE to the high point it now occupies.

Little need be said of the MAGAZINE in the past; it speaks for itself. It has long since passed the point of being an experiment, and has assumed the place of one of the fixed and valuable historical publications of the country. It has now reached the middle of its seventh year, and its twenty-six hundred pages are largely filled with original matter, that is indispensable to those who wish to possess a history of this section of our country.

Not the least important work of this MAGAZINE has been its effort to preserve and perpetuate the names of the historic families of our state. It is almost alone in its genealogical work for this section. Family genealogy is easily lost, and still more easily forgotten. The only way to preserve it is to publish it, and at a time when errors may be corrected. Now that we have a magazine for the purpose, it is not, we think, expecting too much that those who represent our pioneer families will not only read the MAGAZINE, but that they will aid in furnishing matter for publication of the lives, deeds, histories and genealogies of our early historic names.

This MAGAZINE is the only one of its kind in the state, and is the first to make a permanent success. It places us in advance of any of the states south of us. With the Tennessee Historical Society and its splendid membership behind it, with a growing interest in historical literature, which is constantly augmented by our numerous patriotic societies, this MAGAZINE takes this advanced step hopefully, and confident of the future. As in the past, we expect to cover the whole field of American history, with especial attention to our own state and section. And we invite the active aid of all those who feel an interest in preserving our history. It is one in which all may justly take pride. We shall work to make this MAGAZINE worthy of its high endeavor.

IMPORTANT DONATION TO THE TENNESSEE HISTORICAL SOCIETY.

The Tennessee Historical Society has recently received from the Vatican Library a volume, beautifully bound, and containing in the original Latin, photographic copies of the letters written by the popes concerning Greenland, Iceland, and the discoveries of Columbus. Some of these letters have lain in the secret archives of the Vatican for nearly 700 years. A few of them, which were addressed to the sovereigns of Europe, such as the famous bull of 1493, have become accessible to historians through other sources, having been publicly announced. Most of them have been inaccessible to scholars until the recent publication. The letters relating to Greenland and Iceland, and especially the invasion of Greenland, are of great value to historians, as strongly confirming the accounts of the Norsemen and sagas.

Father John B. Morris, of Nashville, a member of the Tennessee Historical Society, has performed the valuable service of translating these letters into English, which translation he presented to the society at its last meeting, March 11, 1902, together with an introduction and general commentary, setting forth the history and scope of these letters.

Sensible of the value of this service, the society appointed a special committee to present to Father Morris resolutions expressing the thanks of the Society.

The resolutions are as follows:

Whereas, This Society has been honored by a gift from his Holiness, Pope Leo XIII, through Father Farrelly, of Rome, of a beautiful volume containing photographic copies of valuable documents relating to America, from the secret archives of the Vatican library, the volume being entitled, as follows:

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Documenta Selecta
E
Tabulario Secreto Vaticano
Quae
Romanorum Pontificum
Erga Americae Populos
Curam et Studia
Tum ante tum paullo post insulas
A Christophoro Columbo repertas
Testantur
Phototypia Descripta
Typis Vaticanis
Viginti Quinque Exemplaria
Ita Sunt Adornata
Ut Illustrioribus Tantum Bibliothecis
Distribuerentur.

And, Whereas, Father John B. Morris, of Nashville, Tennessee, has presented to this Society an accurate and scholarly translation into English of the pontifical letters contained in this valuable book, together with his commentaries on the same; therefore, be it resolved

First, That the thanks of this Society are cordially extended to Father Morris for the valuable work which he has performed, involving so much patient labor, and evincing such accurate scholarship and profound learning.

Second, That the translation and commentaries of Father Morris be published in the AMERICAN HISTORICAL MAGAZINE, the organ of this Society; in order that the valuable historical information contained in the pontifical letters may be made accessible to scholars.

G. P. THRUSTON,
W. R. GARRETT,
R. W. JENNINGS.
Committee.

In this issue of the MAGAZINE will be found Father Morris' introduction to the translations, being in the nature of a general commentary on the history of the pontifical letters, with special comments on the leading features of some of the more important letters. The succeeding issues of the MAGAZINE will contain a complete edition of the pontifical letters as translated by Father Morris.

TENNESSEE HISTORICAL SOCIETY.

PRESIDENT:

Judge John M. Lea.

VICE PRESIDENTS:

Col. William A. Henderson, Gen. Gates P. Thruston,
Gov. James D. Porter.

SECRETARY:

Dr. R. L. C. White.

CORRESPONDING SECRETARY:

Robert T. Quarles.

TREASURER:

Joseph S. Carels.

LIBRARIAN:

Joseph S. Carels.

STANDING COMMITTEES.

Membership—W. R. Garrett, chairman; J. A. Cartwright, J. P. Hunter.

Finance—Edgar Jones, chairman; W. S. Settle, C. H. Eastman.

Addresses—Robert Lusk, chairman; John C. Brown, John H. DeWitt.

History and Biography—A. V. Goodpasture, chairman; John Allison, F. W. Moore.

Museum—Theodore Cooley, chairman; John M. Bass, R. R. Freeman.

SPECIAL COMMITTEE.

Publication—Dr. W. R. Garrett, chairman; Dr. R. L. C. White, John M. Bass.

[MEMORANDA OF THE TRANSACTIONS OF THE SOCIETY.]

Tuesday, January 14, 1902.

The Society met as above. Present: James D. Porter, Vice President, presiding; G. P. Thruston, Vice President; R. L. C.

White, Secretary; R. T. Quarles, Corresponding Secretary; Joseph S. Carels, Treasurer, and a small number of members.

The records of the previous meeting were read and approved.

Gen. Thruston, on behalf of the special committee appointed at the last meeting to convey the thanks of the Society to Mr. Albert D. Marks for the portrait of his father presented by him, reported orally that the duty had been performed.

The Committee on Museum submitted a report on the burning of the Vendome Theater on the afternoon of January 2, which was adopted and ordered included in the records.

On motion of Mr. Quarles, the remarks of Mr. Cooley, in presenting the portrait of Governor Marks, at the last meeting were ordered to be included in the records.

On motion of Mr. Cooley, the proposition of A. V. and W. H. Goodpasture for the publication of the AMERICAN HISTORICAL MAGAZINE as the organ of the Tennessee Historical Society was accepted, and the acting President appointed Messrs. W. R. Garrett, R. L. C. White and John M. Bass to constitute the Committee on Publication suggested in the proposition.

After reading the list of donations, the Society adjourned.

Tuesday, February 11, 1902.

The Society met as above. Present: James D. Porter, Vice President, presiding; G. P. Thurston, Vice President; R. L. C. White, Secretary; R. T. Quarles, Corresponding Secretary; Joseph S. Carels, Treasurer, and an average number of members.

The records of the January meeting were read and approved.

The Secretary read a communication from President Lea, in which, among other matters, it was stated that satisfactory progress had been made towards procuring the old newspapers referred to in the record of the proceedings of November 12, 1901.

The applications of Messrs. J. S. Jones, Greenville, and John W. Morton, Nashville, for active membership, were presented. The provisions of Article II, section 4 of the by-laws was suspended by unanimous consent, and the gentlemen named were elected.

Donations to the Society were announced,

Mr. Morton B. Howell then read a paper on the "Streets of Nashville." On motion of Gen. Thruston, the thanks of the Society were tendered to Mr Howell.

Rev. John B. Morris reviewed orally the work recently presented to the Society by Pope Leo XIII, through Rev. J. P. Farrelly—Documenta Selecta a Tabulario Vaticano Romanorum Pontificorum erga Americae Populos. On motion of Dr. Hoss, the thanks of the Society were tendered to Father Morris.

A motion offered by Mr. Quarles, that a committee be appointed to prepare a paper thanking Father Farrelly for his kindness in procuring the book named above, was adopted. Messrs. Quarles, Garrett and Thurston were appointed to constitute the committee.

The Society then adjourned.

Tuesday, March 11, 1902.

The Society met as above. Present: James D. Porter, Vice President, presiding; G. P. Thurston, Vice President; R. L. C. White, Secretary; R. T. Quarles, Corresponding Secretary; Joseph S. Carels, Treasurer, and a large number of members and visitors.

The records of the last meeting were read and approved.

Some financial business having been transacted, the donations to the Society were announced.

Rev. John B. Morris read a paper on "Papal Documents Relating to Discoveries in America," accompanied by a translation of the documents contained in the book (Documenta Selecta, etc.) presented to the Society by the Pope through Father Farrelly. On motion of Capt. Garrett, it was resolved that a committee be appointed to return the thanks of the Society to Father Morris. The acting president appointed, to constitute the committee, Messrs. Garrett, Jennings and Thruston.

Mr. A. V. Goodpasture read a paper on the life of William L. Brown, with extracts from his diary. On motion of Mr. Quarles, the thanks of the Society were returned to Mr. Goodpasture.

The Society then adjourned.

The American Historical Magazine.

VOL. VII. JULY, 1902. No. 3.

GEORGIA AND THE CHEROKEES.

BY B. J. RAMAGE, SEWANEE, TENN.

Seventy years have come and gone since America's Indian problem east of the Mississippi culminated in the State of Georgia; but the struggles which then took place in the field, in legislative assemblies, as well as in the most august forum of the world, will probably always arouse a certain interest and sadness in the minds of the students of history. In regard to the merits of the case, opinion will perhaps always differ; for the popular excitement of those far-off days has tinged most narratives of events that brought our country to the verge of civil war. But happily enough, such a catastrophe was avoided. At the same time Georgia's attitude was not without its influence on the course South Carolina shortly afterward pursued, with less success, in opposing the tariff legislation of Congress. The nullification theories of both States were largely instrumental, moreover, in developing views that ripened into the secession movement of 1860.

By the terms of the charter James Oglethorpe received from George II, in 1732, the western limits of the colony named in honor of the latter were to extend to the South Seas. Just exactly where this sheet of water lay, no one seems to have known; but the expression is often encountered in grants to territory in the New World. It may have meant the Pacific Ocean. Not a few proprietors so construed it and stretched out their hinterland accordingly. This vagueness Georgia rendered more certain by her constitution of 1798 when she not only fixed on the Mississippi as her western boundary, but attempted in various ways to protect her vast domain from

future legislative concessions. Meanwhile the United States government, in conformity with the power vested in it by the federal constitution, had entered into sundry treaties with the Indians. Of these the most important were the Hopewell Treaty of November 28, 1785, the Tellico Treaty of October 2, 1790, and that made at Holston, July 22, 1791.

It is hardly too much to say that the first of these conventions marks the beginning of the numerous diplomatic negotiations between our national government and the Southern Indians. By its broad and liberal terms the Cherokees were recognized as a nation and their territory guaranteed them, while similar assurances were given them by later treaties. At this time much of the region lying between the Mississippi and the western borders of present Georgia was peopled by Choctaws, Creeks, Chickesaws and Cherokees, most of whom were in the hunter stage of culture. Of the Cherokees, however, especially those residing in Georgia, there were not a few who were turning to agriculture as a means of gaining a livelihood. All retained their tribal organization and knew no other law save that of their own councils. This arrangement might have been well and good so long as the white population was sparse, but it became more and more objectionable when immigration set in from other States and territories. Hence it became evident that sooner or later this curious anomaly must come to an end. To say the least of it, an *imperium in imperio* in the form of a red Indian republic in the midst of a white commonwealth, was not conducive to progress. What the people of Georgia desired was a government so unified that its writs would run everywhere and its laws control all persons within its natural jurisdiction. Could such a state of things be brought about? If so, who was to do it?

A dispute between Georgia and the United States had early arisen in reference to the title of some western lands, which were claimed by the latter as part of the old Florida cession. This question both parties had endeavored to settle by the agreement of April 24, 1802. Georgia, by the articles of this compact, and for valuable consideration, assigned to the United States all her claims to this territory, while the latter

stipulated that, at its own cost and as early as possible, it would extinguish for the use of Georgia all Indian titles in that State. This was followed shortly afterward by the creation of the territory of Mississippi, which embraced not only the present state of that name, but also the present State of Alabama.

Under the liberal policy of the United States government the Indians who remained in Georgia—particularly the Cherokees—had mounted rapidly in the scale of civilization. Indeed, the northern clans, acting on the advice Jefferson had given them as early as 1809, gradually left the hunter stage, adopted fixed abodes, and promulgated a code of civil and criminal law. Their government was copied from that of the United States. New Echotah was the capital of this Indian republic. Schools and churches abounded, nor was the printing press unknown. All went well for a number of years. Georgia not only respected the rights of the aborigines, but warned off surveyors and squatters, and manifested a friendly disposition generally toward the Indians. But the hope was ever present that their title would be eventually extinguished and the Indians removed elsewhere.

The question of her western lands and the relation of the State to various real estate companies interested in them, had long been a party question in Georgia. Now that these differences were partially composed, politicians soon laid hold of the Indian problem. In course of time various legislative commissions were appointed to investigate the matter, while the President was more than once memorialized to carry out the agreement of 1802. The discovery of gold in Habersham county still further intensified public feeling.

Weary of the delay of the Adams administration, the Georgia authorities found little difficulty in persuading one faction of the Indians to sign the treaty of Indian Springs, February 12, 1825, which looked to the execution of the agreement of 1802; and it was soon afterward ratified by the Federal senate. A year, later, however, President Adams sent to the senate a new treaty to take the place of the one just mentioned. It related mainly to the Creeks and was objected to by the Georgia leaders on the ground that it not only failed to provide for

their immediate removal, but said nothing about their expulsion from *all* the lands they occupied in Georgia. A protest to this effect was signed by the Georgia delegation, which included Alfred Cuthbert, George Cary, John Forsyth, E. F. Tattnall, C. H. Haynes, Wiley Thompson and James Meriwether. Nevertheless the new treaty was duly ratified.

Governor Troup was the leader of the States' Right party as opposed to the Clarke or Union party. He declared that the new treaty would be ignored. White, one of the historians of the State, represents him as saying that, "Georgia, for whose benefit alone the treaty was negotiated, was deprived, without her consent, of interests already vested." The legislature was informed of the situation and resolved that, "the attempted abrogation of the treaty of Indian Springs by the treaty of Washington, in so far as it divested Georgia of any right acquired under the former, is illegal and unconstitutional." Not since the days of the Hartford Convention had such an attempt been made to interpose the veto of a State, or assume the functions of the Supreme Court. The question soon found its way into Congress, although the opinion seems to have been widespread that nothing would be done by Adams to protect the interests of Georgia. Nevertheless, on November 13, 1827, Wilson Lumpkin, one of the Georgia representatives and a member of the Committee on Indian Affairs, introduced a resolution to inquire into the expediency of removing the Indians to the West, and the subject was referred to a committee whose subsequent report urged their deportation. After an exciting debate the report of the committee was adopted.

Meanwhile Georgia had not been idle in the struggle. Instructed by the governor, surveyors began to run the line between Georgia and the present State of Alabama according to local interpretation of the agreement of 1802. To this the Indians at once objected, and the Georgia authorities were notified from Washington that the president intended "to maintain the faith of the nation by carrying the treaty into effect." According to White, the governor replied that, "he would feel it his duty to resist to the utmost any military attack which the president of the United States shall think proper to make upon the territory, the people or the sovereignty

of Georgia." This defiant attitude was followed by military preparations, while federal troops were hurried to the borders of the State.

These events had been preceded by a series of legislative acts directed by Georgia against the Indians. As early as December 26, 1826, a law was passed forbidding the testimony of Indians who did not understand the English language, in all cases in which white persons were interested. At the same time a committee of the legislature reported that the extinguishment of the Indian title "to all land in Georgia is a matter of urgent and constant expediency." Attention was also called to "the power and avarice" of the Indian chiefs. Two years later Creeks were forbidden by law to cross the Chattahoochie river or enter the State without a license from a United States Indian agent. On the same day—December 20, 1828—a still more drastic measure was adopted. In the first place a large body of land occupied by Cherokees was added to the counties of Carroll, Dekalb, Gwinnett, Hall and Habersham. All white persons residing therein were made immediately subject to the laws of Georgia in the same manner as other citizens of the State. Indians residing in the territory after June 1, 1830, were to be liable to such regulations as the legislature might afterwards prescribe. After the above date, "all laws, usages and customs made, established and in force, in the said territory, by the said Cherokee Indians," were to be null and void.

On December 19, 1829, the same law was substantially reenacted, and on December 22, 1830, it was made unlawful for any person to exercise assumed or arbitrary power under pretext of authority from the Cherokee Indians. White persons, moreover, were prohibited from residing within the Cherokee territory without a license. Such persons were also required to take an oath of allegiance to the State of Georgia or incur the danger of imprisonment in the penitentiary for four years. At about the same time the legislature enacted that no Cherokee should be bound by any contract entered into with a white person, nor should he be sued on any such contract in the courts. The gold mines were to be taken by the State. These laws naturally aroused opposition and gave rise to two cele-

brated cases in the Supreme Court of the United States. The opinions in both instances were rendered by Chief Justice Marshall.

The first of these cases is styled *The Cherokee Nation v. the State of Georgia*,* and was decided at the January term, 1831. It came before the court on a motion for an injunction to restrain the authorities of Georgia from extending the laws of that State over persons residing in the Indian republic.

The bill was signed by John Ross, one of the Indian chiefs. Able counsel represented the plaintiffs. On their behalf, for example, appeared William Wirt, attorney-general of the United States, and John S. Sargent, one of the most brilliant lawyers of the day. Georgia claimed that a sovereign State could not be sued by the Indians, and consequently made no appearance.

The first point to be decided was the capacity of the plaintiffs to bring their suit, which was decided against them. While the Cherokee nation is not a State in the sense that term is used in the federal constitution, said the court, these Indians represent a government and have been uniformly treated as such ever since the settlement of this country. The numerous treaties, so it was held, recognize them as a people capable of making the relations of peace and war, and of being responsible in their political capacity for any violations of their engagements or for any oppressions. It was further decided that the Indians have an acknowledged right to the lands they occupy, until their right is extinguished by a voluntary cession to our government. At the same time it was recognized that in some matters, such as laws making it criminal for the Cherokees to exercise political power, the court could not interfere. This threw the whole matter on the executive, but Andrew Jackson's sympathies were not with the Cherokees. Perhaps it was unnatural to suppose that one who had so long fought the savages could ever regard them favorably. On the whole this decision was a victory for Georgia. But there were many who shared the opinion so feelingly expressed by Marshall. "If courts," said he, "were permitted to indulge

*5 Peters, 1–80.

their sympathies, a case better calculated to excite them can scarcely be imagined. A people once numerous, powerful, and truly independent, found by our ancestors in the uncontrolled possession of an ample domain, gradually sinking beneath our superior policy, our acts and our arms, have yielded their lands by successive treaties, each of which contains a solemn guarantee of the residue, until they retain no more of their formerly extensive territory than is deemed necessary to their comfortable subsistence."

One year later the same court was called on to decide another and no less interesting case arising out of the rights of the Cherokees. This was the case of *Worcester v. The State of Georgia.** It was the suit brought by a missionary who had been arrested under the law forbidding white persons to reside in the Indian country without a license. In view of the recent interest manifested in regard to the relations of foreign missions to our government, it is rather surprising to find that this case has received little, if any, attention.

In September, 1831, the grand jury of Gwinnett county, Georgia, indicted Samuel A. Worcester, Elizer Butler, James Trott, Samuel Mays, Surry Eaton, Austin Copeland and Edward A. Losure for the offense of residing within the limits of the Cherokee nation without a license. Most of them were missionaries residing at the town of New Echota. Much feeling had been aroused against them throughout the State because of their alleged advice to the Indians on matters of politics. This the missionaries denied. At a meeting held at New Echota December 29, 1829, they adopted a resolution to the effect that "the frequent insinuations which have been publicly made, that missionaries have used an influence in directing the political affairs of this (Indian) nation, demand from us an explicit and public disavowal of the charge, and we solemnly affirm that in regard to ourselves at least, every such insinuation is entirely unfounded." It is claimed, however, by local historians that the missionaries were stoutly opposed to Georgia's assumption of jurisdiction over the Indians, and the law forbidding white persons to reside among the

*6 Peters, 5–15.

Cherokees was evidently aimed at them. At all events, the Georgia Guard arrested them in Gwinnett county—or in what the authorities contended was part of that county. Their counsel took them before Judge Clayton, of the Superior Court of the State on writs of *habeas corpus* and argued that the statute under which they had been arrested was null and void. The motion was overruled, but the court decided that inasmuch as Worcester was postmaster and all the other missionaries had been employed by the United States government in disbursing funds among the Indians, the law did not apply to them. They were accordingly discharged from custody. A few months later Governor Gilmer notified them that he had secured proof that they were not the agents of the federal government and that they must accordingly leave the Cherokee nation. This the missionaries refused to do, whereupon they were again arrested, indicted, and as above explained, tried on September 15, 1831.

On their trial they were found guilty and sentenced to four years' imprisonment at hard labor in the State penitentiary at Milledgeville. But they were "recommended to executive clemency, if they would promise to take the oath of allegiance or leave the Cherokee country." When they reached the penitentiary they were given the alternative of remaining there or accepting a pardon and leaving the country. Some accepted the pardon, but Worcester and Butler declined to take this step and were committed. Of course the case attracted widespread attention and the press contained various accounts of it.

Worcester claimed Vermont as his home and contended that he was a missionary of the American Board of Commissioners for Foreign Missions. He pleaded that he had entered the Cherokee country under authority of the President of the United States and that at the time of his arrest he was engaged in preaching the gospel and translating the Bible. Worcester also contended that the work in which he was engaged met with the approval of the Cherokees and was in accordance with "the humane policy of the United States for the civilization and improvement of the Indians."

The case was taken to the Supreme Court and the acts of Georgia under which the accused had been convicted were

pronounced unconstitutional. Worcester was ordered to be released. But with the new executive of the national government on the side of Georgia, Worcester fared no better than the Indians had done.

The missionaries, Worcester and Butler, are said to have been advised by their friends to alter their course, and were informed by the governor that they would be released whenever they yielded to the laws of Georgia. It seems, however, that in reply to a communication they addressed the Board of Foreign Missions, the opinion was expressed by that body that they ought not to avail themselves of the offer of a pardon. Early in January, 1833, says White, the missionaries were advised, however, by the secretary of the Board of Foreign Missions that "a due regard for public opinion and the cause of religion required that they should withdraw their suit." They at once notified their counsel not to proceed any further and the governor of the State was duly informed of their action. In communicating with the latter, language was employed by Worcester and Butler which the governor considered disrespectful to the State, but the next day they sent him the following communication:

"Penitentiary, Milledgeville, January 9, 1833.

"To His Excellency, Wilson Lumpkin, Governor of the State of Georgia.

"Sir:—We are *sorry* to be informed that some expressions in our letter of yesterday were regarded by your excellency as an indignity offered to the State, or its authorities. Nothing could be further from our design. In the course we have now taken it has been our intention simply to forbear the prosecution of our case, and to leave the question of the continuance in confinement to the magnanimity of the State.

"We are respectfully yours,

"(Signed) S. A. WORCESTER,

"ELIZUR BUTLER."

Lumpkin was not a States' Rights man. Indeed, he had been elected governor in October, 1831, on the Clarke or Union ticket by a majority of 2,000 votes. His opponent was Joel Crawford, champion of the Troup party. Perhaps this change of ideas in the State was due partly to Jackson's friendly attitude, partly to the influence of John Forsyth. At all events,

Lumpkin, in his inaugural address, declared that, "he who would destroy the state sovereignty by consolidation, or the federal system by nullification is a traitor to liberty and deserves the universal execration of mankind." That he was in favor of liberating the missionaries is very clear, and shortly after the receipt of their letter a full pardon was granted them. But there were not a few in the State who criticised him for doing so.

The virtual failure of their cases before the Supreme Court, the determined attitude of Georgia, and the open sympathy Jackson and his administration accorded that State rendered further resistance on the part of the Cherokees useless. Within a few years they sold their lands to the government and were removed to the distant West. Had this been done before, much irritation and trouble might have been averted. All persons versed in Indian affairs seem to have recognized that a policy of reconcentration was the only practicable one to adopt in dealing with the aborigines, and while we may deplore their fate it was doubtless an inevitable one.

DOCUMENTS RELATING TO THE CREEK WAR.

[From the Archives in the Secretary of State's Office.]

MESSAGE OF GOVERNOR BLOUNT.

Senators and Representatives of Tennessee:

I hereby lay before you the Adjutant General's annual returns of the strength and condition of the militia of this State for the year 1812, which I have delayed to transmit until now, hoping to be enabled to lay before you the returns for the present year; but having reason to believe that the Adjutant General has not received the several returns required to be made to him, from which to make his return, it is not in my power to lay it before you.

You also herewith have laid before you the report made to me by the Commissioner for West Tennessee of his proceedings in office since the last stated session of the General Assembly. The Commissioner of East Tennessee has not yet made a report of his proceedings in office for the above mentioned time; but when received it will be laid before you.

At the last session I informed the Legislature that I appointed a commissioner for the turnpike road leading from this to Knoxville, and that he had given bond and security, as required by law, which bond is filed in the department of State; also, that I had appointed a fit person to view said road and make report, as required by law of him to do.

WILLIE BLOUNT.

Nashville, October 27th, 1813.

ANNUAL RETURN OF THE MILITIA OF THE STATE OF TENNESSEE FOR THE YEAR 1812.

MAJOR GENERALS' NAMES.

Andrew Jackson,
John Cocke.

GENERAL STAFF.

Major Generals	2
Brigadier Generals	8
Adjutant Generals	1
Aides de Camp	——
Brigade Majors and Inspectors	6
Quartermaster Generals	——
Brigade Quartermasters	——
Deputy Quartermaster Generals	——

INFANTRY.

FIELD OFFICERS.

Lieutenant Colonels	44
Majors	86

REGIMENTAL STAFF OFFICERS.

Adjutants	38
Quartermasters	——
Surgeons	3
Surgeons' Mates	1

COMPANY OFFICERS.

Captains	446
Lieutenants	402
Ensigns	361

NON-COMMISSIONED OFFICERS.

Sergeant Majors	3
Quartermaster Sergeants	3
Drum Majors	14
Fife Majors	14
Sergeants	915
Corporals	422
Musicians	495
Rank and File	25,538

ARMS, AMMUNITION AND ACCOUTERMENTS.

Rifles	9,419
Muskets	4,626
Bayonets	69
Cartridge Boxes	162
Steel Rods	——
Scabbards and Belts	——
Flints	13,570

Wires and Brushes	3,823
Knapsacks	—
Cartridges with Balls	1,238
Loose Balls	54,746
Pounds of Powder	3,731
Number of Regiments	44
Number of Brigades	9
Number of Men, including Officers	26,936

CAVALRY.

Companies of Cavalry	—
Lieutenant Colonels	2
Majors	3
Adjutants	2
Quartermasters	1
Captains	13
Lieutenants	13
Cornets	12
Sergeants	33
Musicians	9
Rank and File	357
Pairs of Pistols	120
Pairs of Holsters	120
Swords	100
Horses	357
Saddles	357
Bridles	357
Trumpets	1
Number of Men, including Officers	403

REMARKS.

No return has been made to me of the Second Brigade, under command of Brigadier General George Doherty. The strength of that brigade will exceed three thousand, rank and file.

There are many companies of cavalry in the State of which there is no return.

There is no return of the 47th Regiment and the 2nd Regiment of Lincoln County, in the 5th Brigade; nor is there any return of one regiment in the 7th Brigade.

JOHN WILLIAMS,
Adjutant General of Tennessee.

September 25th, 1812.

RESOLUTIONS REPORTED BY COMMITTEE.

The committee to whom is referred that part of the Governor's communication which relates to the hostile disposition of the Creek Indians and their allies, beg leave to report to the Legislature the following resolutions, to wit:

Resolved, That the Governor order out immediately five thousand of the militia of this State, inclusive of the men called for by the general Government, in such proportions of infantry, cavalry and mounted infantry, as his excellency and the commanding general may deem proper for the service, to give succor and protection to the citizens of the Mississippi Territory bordering on the Creek Nation, and to repel invasion of the State of Tennessee by said savages.

Resolved, That provision be made by law to supply the above named troops, and to pay them for their services in the event the general Government do not pay said troops.

ENDORSED.

Senate Sept. 21st, 1813. Read, concurred with and sent to the House of Representatives. T. AMIS ROGERS, Ck.

House of Representatives, Sept. 21st, 1813. Read, and unanimously concurred with. WM. ALEXANDER, Ck.

PETITION OF COL. JOHN HOLLAND AND OTHERS FOR RANGING COMPANY.

September 1st, 1813.

To the Honorable, the General Assembly now in session for the State of Tennessee:

We, your humble petitioners, sheweth to your honors that the frontiers of Hickman and Humphreys Counties are very much exposed to the savage enemies, Mason's company very much broke with sickness, etc. Col. John Holland tenders his services as a captain of a ranger company for the term of twelve months, or a shorter period, as your honorable body may direct, with a full company in and to range on the frontiers of said counties. We, your humble petitioners, pray

your honors to report favorable on said company, and recommend to Government the same, and we, in duty bound, will ever pray, etc.

G. Lowe,	Wm. Phillips (col.),
Stephen Lary,	Clement Wilkins,
John Easley,	G. G. Reed,
Bowman H. Selin,	John Williams,
Robert Easley,	William Bird,
Samuel P. Nead,	Thomas Gee,
Joseph Lyn,	6th Wm. Holland,
Sam'l Haggard,	John Gregoury,
Edward Richey,	J. B. Campbell,
Samuel Haile,	James S. Warren,
Sam'l Long,	Thos. Portter.

PETITION OF CITIZENS OF WHITE COUNTY.

[Read in the Senate and House of Representatives September 27, 1813.]

To the Honorable, the General Assembly of the State of Tennessee when in the first session of the tenth General Assembly:

Respectfully sheweth your petitioners, citizens of White County, that it is with extreme solicitude and concern they behold the sword of a proud tyrant in close combination and alliance with the tomahawk and scalping knife of a barbarous and savage foe, menacing and threatening that liberty and independence of which we have so long boasted, and which has raised us to a degree of national glory and honor above the nations of the world. Zealous for the success and glory of the American arms, and knowing that a well trained militia is the bulwark of our liberty, we beg leave to suggest to this General Assembly the propriety of providing more effectually for the training and instructing the militia of this State in the rules of discipline which are received and authorized by the United States Government. In this particular, as in all others, we do not arrogate to ourselves either the right or the ability to dictate to the wisdom of this honorable Assembly, but only

ask to suggest a mode which to us seems more calculated to further that laudable design than any that has been yet in practice. There are still remaining scattered through this State some of the old Revolutionary soldiers and also some discharged volunteers, who are good disciplinarians; if one of those were appointed as a Muster Master in each regiment, whose constant duty it should be to attend all the company musters in the regiment in regular succession, there to train both officers and privates in the several duties to them belonging, as now practiced by the United States army, under such rules and regulations as you in your wisdom may think proper, we humbly conceive that our militia might be marched from their companies to a field of battle with honor to themselves, and to the praise of that institution which brought them to that degree of military skill. And your petitioners, as in duty bound, will ever pray.

Nathel. Evans,
William Wilson,
J. R. Henderson,
George Ailsworth,
Charles Dibrell,
An. S. Puckett,
Sampson Mooney,
Anthony Dibrell,
Ericus Smith,
John Curden,
J. W. Simpson,
Edwin L. Harris,
James Rodgers,
Thomas K. Harris,
Rowland Britt,
G. Smith,
Wm. E. Pillar,
Joel Bradshaw,
Abner Moor,
David Nichols,
Bird Smith,
Thomas Frasher,
George Guby,
Samuel Crawley,
John Williamson,
Ericus Smith,
George W. Ledbetter,
Jacob Harty,
Daniel Hartay
Obe Dimay,
Robert Stourt,
Dennis S. Harty,
W. H. Quarles,
Finch Worlay,
James Worley,
David Mitchell,
Wm. Phillips,
James Beirns,
H. G. Harris,
J. A. Due,
Leonard Brightwell,
Benjamin Lewis,
William Lewis,
Absalom Coxen,
Jas. Anderson,
David Thompson,

William Caredin,
William Ratton,
John Snowden,
William Dening,
Robert E. Lowry,
Isham Bradley,
Adam Huntsman,
Jno. H. Anderson,
Edw. Conner,
James M. Mobley,
John Maloney,
Wm. Jervis.

PETITION OF INHABITANTS OF OVERTON COUNTY.

To the Honorable General Assembly of the State of Tennessee now in session:

The petition of the subscribers, inhabitants of the County of Overton, humbly showeth that they feel disposed to have a part in the present war with his Britannic Majesty's savage allies, viz.: the Creek Nation of Indians, and conceiving they can render greater services to the United States as mounted men than they could possibly do on foot, humbly request that your honorable body would pass a law authorizing Colonel Stephen Copeland, of said County, to raise by voluntary enlistment a force of 500 mounted men out of the 3rd judicial circuit, in said State, to march against the said nation of Indians or other tribes of the savage foe, and fight them in their own savage way, and act as rangers, etc., so long as it may appear necessary; and that the said voluntary force, when so raised, may be paid and allowed the same pay for their services as other mounted men are allowed in the service of the United States on similar occasions; and that the senators and representatives in the Congress of the United States be instructed to cause the said act when passed by your honorable body, to be sanctioned by the national legislature, etc.

And your petitioners shall ever pray, etc.

B. Totten,
Jas. McCampbell,
Moore Matlock,
James Finley,
Willie Huddleston,
Thos. Livingston
John Stockton,
Robt. Adkinson,
John Miller,
Philip Weaver,
Arthur Mitchell,

Isaac Gunter,
Benjamin Parrott,
Samuel Miller,
Thos. Burford,
Joseph Campbell,
Arthur Babb,
John Hughes,
Wm. Fleming,
Benj. Brown,
Jas. Harris,
Jno. Kennedy,
Elijah Rogers,
John Sisco,
Michel Speck,
John R. Nelson,
James Boswell,
James Smith,
Stephen Horn,
Sam. Brown,
Jacob Swallows,
Zachariah Eldridge,
John Hammock,
William Copeland,
James Copeland,
Stephens Irons,
Henry Dillon,
Sam'l Dillon,
Wm. Allen,
James McBotts,
Simon Flyn,
James Bradshaw,
Sampson Eldridge,
John Eldridge,
Thompson Gardenshire,
Richard Poston,
Samuel Dickson,
William Upton,
Peter Arnett,
Jesse Ashburn,
William Upton,
William McCormick,
John Carr,
John Walker,
Cornelius Carmack,
Thomas McDonald,
Seven Alley,
Joseph Raney,
William Boswell,
James Lee
James Officer,
Philip Upton,
Thomas Jones,
Tutlow Lamb,
Jacob Davie,
Holland Herron,
Cornelius Carmack,
Isaac Hooser,
Edmond Crawford,
William Stewart,
Henry Gore,
Isa Roe,
John Lee,
Robert Sersa,
Andrew Swallows,
Stephen Mayfield,
James Mayfield,
Jack West,
Isaac Taylor,
Richard Matthews,
Nelson Ray,
Henry Gilmore,
William Taylor,
Hall Dilling,
Emstort Walker,
Merrell Little,
Wm. Harlow,
Joel Paris,
David Stuart,

Jos. H. Windle,
Wm. Evans,
Isaiah Ruckman,
Wm. Alred,
Solomon Alred,
Isaac V. Hooser,
Britton Smith,
James Parks,
Joshua Morrison,
Sam'l Callihan,
Francis Chany,
Alex. Fancher,
Chas. Matney,
Larkin Cox,
James Key,
Abner Fulfer,
William Cooksey,
Patrick Pool,
Ephraim Wyckoff,
John Workman,
Robert Dale,
Peter Bilyeu,
John Maxwell,
Hardy Hunnicutt,
James Maxwell,
Isaac Cunningham,
Jesse Gentry,
Thos. Gallion,
Wm. Dale,
Matthew Dale,
Thomas Chambless.

The above names [the last thirty-three] were written by me, Jos. H. Windle, at a general muster by their requests.

Mason Kelley,
W. Harrison,
John Patrick,
Stephen Sewell,
John Graham,
Charles Staples,
Greenwood Harrison,
Carter Dalton,
Joseph Garrett,
John Flat,
Joseph Harris,
David Harris,
Jesse Hull,
John Huddleston,
Allen Brock,
John Camon,
John Cargile,
James Zachery,
John Grimsley,
Joel Brock,
Gideon Thomas,
James Maybery,
Daniel Camon,
Isaac Shell,
Wm. Gunnels,
John Erwin,
Martin Grimsley,
Vardimon Lee,
Wm. Prat,
Arthur Flowers,
John Harris,
John Goode,
Benjamin Flowers,
Benjamin Harrison,
James Barnes,
Daniel Erwin,
Fras. McConnell
Arthur Mitchell,
Arthur Babb,
James Willard,

Robert Boyd,
Abraham Goodpasture,
Joseph Grammer,
Sterling Collier,
George Moore,
Wm. Holeman,
Madison Fisk,
Solomon Eaves,
Randall Murray,
John Smart,
James McRoberts,
David Lyles,
James Woods,
Daniel Lyles,
Stephen Row,
Henry Wood,
Isaiah Wood,
Jacob Rook,
John Davice,
William Dobbs,
George Gilpatrick,
Henry Bailey,
Jeremiah Holeman,
William Officer,
Walter Fisk,
Tony Harp,
Eli Harrison,
Achilles Stephens,
Elijah Davis,
Joel Cain,
Thos. R. Harris,
John Rolls,
Thos. Masters,
John W. Moore,
John Goodpasture,
John Savage,
Reuben Witt,
Arthur Goodpasture,
John McCord,
William Willard,
Samuel Harris,
Isham Johnson,
James Murray,
James McConnell,
Isaac Holeman,
Jesse Masters.

Read in the House of Representatives and sent to the Senate Oct. 26, 1813. Considered by the Senate the following day, and laid on the table.

SKETCHES AND ANECDOTES OF THE FAMILY OF BROWN AND SOME OTHERS WITH WHOM THEY ARE CONNECTED, OR FROM WHOM THEY ARE DESCENDED.

(Continued from page 164.)

As soon as man emerges from barbarism he looks about to see if he can't derive his origin from a more respectable source; and if he perceives that several of his immediate ancestors have been more refined or civilized than the common herd of men, he prides himself no little upon the discovery. If he perceives that his forefathers have held offices of trust, or profit, or of honor, he immediately concludes that a portion of this honor, at least, must lineally descend and rest upon himself. And if those researches and discoveries lead the individual to emulate the virtues which led to the confidence, or trust reposed in the ancestor, it then proves a desirable acquisition. When the pride of family is enlisted on the side of virtue, and continues for two or three generations, it is not strange that the ignorance or presumption of many should conclude that those virtues are inherent in the physical system; from whence we read and often hear of noble blood, royal blood, and the blood of the hero, the priest or the pontiff. But it pertains to the Christian philosophy alone to demonstrate the equality of man, and prove to the world that each individual stands in the same relative position to his God, his country, and to each other, with no other distinction than mental worth and accidental acquirements.

Yet, it must be confessed that the most pious or philosophic mind is highly gratified on perceiving that the stamina of those physical powers, which it informs and actuates, have derived their immediate existence from or descended through distinguished ancestors, either pious, moral or honorable. And although none can trace their whole line of descent from the first man, and if they could, it is more than probable it would

be found passing through all descriptions of baseness and villainy, from the lowest grade of savage life to the tyrant on his usurped throne; from the most recluse piety to the hypocrite or bloody and persecuting pontiff. Yet it would be pleasing to find that it passed through some good and honorable people, which it must inevitably do, as all mankind have not been always base. And the greater the number that were found on the list of the latter description, as it approached the enquirer, the greater would be his gratification. Hence we find people who can boast of honorable, pious and noble ancestors fond of long genealogies. Whether this has been a motive with the writer of these sheets must be left to the readers' judgment.

Brown is a common name in every nation of Europe, and particularly in the British and German dominions. In England there are several families of Browns, some from Germany and others from Scotland and Ireland, but our ancestors, so far as I have been able to trace them, are of the original English Browns; and the first of the family which I can distinguish is that Brown who in the reign of Henry the Eighth, and by his charter, was granted the "singular privilege of wearing his cap in the king's presence."*

(See Dobson's Encyclopedia, vol. 3, p. 725, article Robt. Brown.) This was probably granted for some personal service rendered the king on his visit to France when at the great tournament, where the meeting of Henry and Francis took place. This was Sir Anthony Brown, master of the horse to Henry the Eighth, and highly esteemed by that capricious monarch, as we are informed in Akin's Court of Queen Elizabeth, who, speaking of his residence, says: "There was a parlor more elegantly adorned with the works of Holbein and his scholars; a chapel nicely furnished; a long gallery painted with the twelve apostles, and a corresponding one hung with fam-

* When I was a boy, coming into the house where my father was in conversation [with] Mr. Little, I stood with my hat on; by way of apology for my churlish behavior my father observed that his "son claimed the privilege of his ancestors, of standing in the King's presence with his hat on." He frequently afterwards told me that such was the tradition in our family; that our English ancestors had obtained that privilege.

ily pictures and with various old paintings on subjects religious and military, brought from Battle Abbey, the spoils which had been assigned to Sir Anthony Brown as that share of the general plunder of the monasteries to which his long and faithful service had entitled him from the bounty of his master." Of this man little more is known at present but that his mother was of the ancient and illustrious family of Nevil* who was in his early life a monk of the Augustine order but being elevated to the dignity of Bishop of Dublin by Henry the Eighth and afterwards Archbishop by Edward the Sixth and coming fully into the principles of the Reformation, he married and became the head of an eminent family in Ireland, from whom sprang the celebrated Ulysses Maximilian Brown, one of the most successful generals of the eighteenth century. (See a sketch of his life, Dobson's Encyclopedia, article Brown, vol. 3, p. 726.) Anthony married Elizabeth Cecil, daughter of David Cecil, and sister of Richard Cecil, master of the robes to King Henry the Eighth, and who was the father of William Cecil, Lord Burleigh, treasurer of England in the reign of Queen Elizabeth. By this wife he had a son whom he called Anthony.

This second Sir Anthony Brown appears to have inherited his father's fortunes and the high esteem of three successive sovereigns. It appears that in the year 1591 he was visited by Queen Elizabeth, by whom he was highly esteemed, though a zealous Roman Catholic; he then resided at Candry House in the manor of Midhurst, of which it is said, this place "Belonged during several ages, to the potent family of Bohun; thence it passed into the family of the Nevils, a race second to none in England in the antiquity of its nobility and the splendor of its alliances. It thus became a part of the vast inheritance of Margaret, Countess of Salisbury, daughter of George, duke of Clarence. By the attainder of the countess, this, with the rest of her estate, became forfeited to the crown, but the tyrant Henry was prevailed upon to re-grant it in exchange for other lands to the heirs of her great uncle, John Nevil, marquis of Montague. From an heir female of this branch Viscount Montague, son of Sir Anthony Brown, mas-

* See Mosheim, vol. 3, p. 96.

ter of the horse to Henry the Eighth, derived it and his title, conferred by Queen Mary." (See Court of Queen Elizabeth, p. 397.)

In the year 1560, when it was apprehended that a combination of several of the great powers of Europe was taking place against the queen, it is said that "To plead her cause with the king of Spain, she dispatched Anthony Brown, Viscount Montagu; a nobleman who, to the general recommendation of wisdom and experience in public affairs, added the peculiar one, for this service, of a zealous attachment to the Romish faith, proved by his determined opposition in the house of lords to the bill of uniformity, lately carried by a great majority. The explanations and arguments of the Viscount prevailed so far with Philip that he ordered his ambassador at Rome to oppose the endeavors of the French court to prevail on the Pope to fulminate his ecclesiastical censures against Elizabeth." (Court of Queen Elizabeth, p. 149.)

Who his first wife was I know not, but concerning his second wife we have the following account in Miss Aikin's Court of Queen Elizabeth (p. 17): "Fitzgerald, Earl of Kildare in Ireland, married for his second wife the Lady Elizabeth Grey, daughter of the first Marquis of Dorset, and first cousin of King Henry the Eighth, by his mother. He was a favorite at court and had been appointed Lord Deputy of Ireland. But after some years, when Henry began to play the tyrant, on some slight information of irregular administration of his office he was sent for and thrown into the Tower, where he died. His son, who had been left in power, raised a rebellion, and in the event was overcome, and himself, with five of his uncles, were carried prisoners to England, where Henry put them all to death. This was a son by the first wife. His estates were forfeited except some small pittance allowed to one of his daughters by the second wife. The younger daughter, Geraldine, came with her mother to England, where she was placed with the king's two daughters, Mary and Elizabeth, at Hunsdon Palace for her education, they being her relatives. "Here she was seen by Henry, Earl of Surrey, whose chaste and elegant muse had handed her down to posterity as the lovely Geraldine, the object of his fervent but fruitless devotion. She was

married first to Sir Anthony Brown, and afterwards became the wife of the Earl of Lincoln." Her brother Gerald, about twelve years old at the death of his father, was carried to the continent and finally to Rome, where he received an education by means of his uncle, Cardinal Pole. After the death of Henry the Eighth, he returned to England, married one of Sir Anthony Brown's daughters by his his first wife, and by Queen Elizabeth was restored to his father's estate and titles. It is added that "he was a faithful and affectionate subject to Queen Elizabeth, in whose reign he turned Protestant; was by her greatly favored, and finally died in peace in 1585."

Anthony Brown, Viscount Montagu died in the year 1593, "and lies buried in Midhurst church under a splendid monument of many colored marbles, on which may be seen a figure representing him kneeling before an altar in fine gilt armor, with a cloak and beard of formal cut. Beneath are placed recumbent effigies of his two wives, dressed in rich cloaks and ruffs, with chained unicorn at their feet, and the whole is surrounded with sculptured escutcheons laboriously executed with innumerable quarterings." (Same p., 398.)

How many children Anthony Brown had we know not, but in Dobson's Encyclopedia we have the following account of Robert Brown: "He was the son of Anthony Brown, whose father obtained the singular privilege of wearing his cap in the king's presence, by a charter of Henry the Eighth." That a man of the religious zeal of Anthony Brown should educate a son with an expectation of high promotion in the church is not strange. In those days of bigotry and enthusiasm it was the highway to wealth and honor, but these were times of great diversity of religious doctrines and opinions, and each sect supported its bigoted notions with equal and intolerant zeal. Robert Brown, after receiving his education at Cambridge, instead of embracing either the Catholic creed of his father, or the doctrines of the Reformed Church of England, in which he had been educated, became a bigoted sectarian. This drove him penniless from his father's house and protection, and reduced him to the necessity of keeping a school in some remote parts of England for a living. But his soaring and turbulent spirit could not be long restrained, "for in the year

1580 he began to preach at Norwich against the discipline and ceremonies of the Church of England, and to promulgate a scheme which he affirmed to be more conformable to the apostolic model."

According to Brown's system each congregation of believers was to be regarded as a separate church, possessing in itself full jurisdiction over its own concerns—pastors were to be elected and dismissed at the pleasure of a majority, in whom he held that all power ought of right to reside. On account of these opinions he was called before certain commissioners with ecclesiastical powers, who imprisoned him for contumacy; but the interference of his relation, Lord Burleigh, procured his release, after which he repaired to Holland, where he founded several churches, and published a book in defense of his system, in which he strongly inculcated upon his disciples the duty of separating themselves from what he stated anti-Christian churches. For the offense of distributing this work two men were hanged in Suffolk in 1583, to which extremity of punishment they were subjected as having impugned the Queen's supremacy, which was declared felony by a late act, now for the first time put in force against Protestants. Brown himself, after his return from Holland, was repeatedly imprisoned, and but for the protection of his powerful kinsman (Lord Burleigh) might probably have shared the fate of his two disciples. In the year 1585 he was cited to appear before Archbishop Whitgift, and seeming to comply with the established church, was by Lord Burleigh sent home to his father; but relapsing into his former obstinacy, he was again turned out of his house. He now wandered about for some time; in the course of his mission endured great hardships, until at length the terror of a sentence of excommunication drove him to recant and join the established church, in which, by means of his powerful friends, he soon obtained preferment. But the Brownites, as his sect were now called, suffered little by the desertion of its founder, whose private character was far from exemplary. In spite of penal laws, and even ridicule and contempt, it survived, increased and eventually became the model, on which the churches, not only of the sect of Independents, but also of the two other denominations of English

Protestant dissenters remain at the present day constituted." (Aikin's Court of Queen Elizabeth.)

Robert Brown lived forty years after his recantation, being preferred to a rectory in North Hamptonshire, where he kept a curate to do his duty, and where he might probably have died in peace but for his turbulent disposition, having beat a constable and insulted a magistrate, was committed to jail, where he died in the eightieth year of his age. "Thus," says his biographer, "ended the life of the famous Robert Brown, the greater part of which was a series of opposition and persecution. He boasted on his death bed that he had been confined in no less than thirty-two different prisons."

Who Robert Brown married we know not, but it appears that he had two sons, Edward, born 1595, and Thomas, 1605. Edward was patronized by his father's friend and relation, Sir Robert Cecil, son of William Cecil, Lord Burleigh and then Secretary of State. In his office he was employed as a clerk, and it was in this situation and employment he became acquainted with George Calvert, under-secretary to Cecil, and afterwards Baron of Baltimore. When Calvert was appointed principal secretary in the same office Edward Brown still continued his employment, in which he remained until Lord Baltimore obtained the grant of Maryland, and then sailed with the first immigration in November, 1632, and landed at Saint Marys in March, 1633.

Thomas Brown became an eminent physician and celebrated writer. It is said of him, "That his reputation in his profession was equal to his fame for learning in other respects; and therefore the college of physicians were pleased to take him into their number." King Charles the Second, coming to Norwich, the place of his residence, was pleased to confer on him the order of knighthood with singular marks of favor and respect. Sir Thomas held the singular peculiarity, "that the ultimate act of love was folly beneath a philosopher, and says he could be content that men might procreate like trees without contact." But he descended from this high philosophic dignity and married a highly agreeable and worthy woman, as he said, because he could find no better method of procreation. By this lady he had a son, Edward Brown, born 1642,

of whom it was said he was as learned as any of the college, and as well bred as any of the court. He was acquainted with Hebrew, a critic in Greek, and no man of his age wrote better Latin. High Dutch, Italian and French he spoke and wrote with as much ease as his mother tongue. He was physician to King Charles the Second and president of the Royal College at London. He died 1708.

I have here given the best account I have been able to collect of our European ancestors, and which I believe to be correct. I have mentioned the two last as having sprung from the same family. And shall now continue the history of the family since their arrival in America, in the year 1633.

Edward Brown sailed from England in the month of November, 1632, with about two hundred gentlemen of considerable fortune and rank, with their adherents, chiefly Roman Catholics; and after a prosperous voyage landed in Maryland near the mouth of the Potomac river, at a place which C. Calvert, their leader, purchased of the Indians and called Saint Marys, and where they settled themselves in the month of March, 1633.

The very liberal terms of settlement allowed by Lord Baltimore, and an entire freedom from religious persecution or embarrassment, induced a rapid immigration, and the settlements soon began to extend up the Chesapeake. Kent Island and the neighborhood of Annapolis were the second and third places settled after Saint Marys. Kent Island first drew Edward Brown's attention, and there he settled and remained some time, but afterwards obtaining a grant of lands on Easter Neck, he removed to that place, where he finally settled for life. He also secured a tract of land on Lankford's Bay, a branch of Chester river, about four miles above the mouth of it. It is a beautiful situation on the south side of this small bay, in the fork of the river between two projecting points of land. It is a tradition in the family that when he surveyed it, it was a dangerous time of Indians, and as the surveyors went by water, they marked a tree on one point, and rowing direct for the other they counted every stroke of the oar so much distance; they marked a tree on the other point and so finished the survey.

Edward Brown married Mary, the daughter of Morgan Williams, a Welshman, from whence came the name of Morgan, so common in the family, and for which they are remarked generally wherever they are known, and also for a number of physicians which the family has produced.

Edward Brown had three sons, Morgan, Edward and Thomas. The last died in his infancy. Edward married and had four children, John, Matthew, Mary and Rachel. John married and had four children, Edward, Thomas, William and Matthew. Matthew also married and had four children, whose names are unknown. Mary married Ringgold, and had five children, Thomas, William, Sarah, Mary and Rachel. Rachel married Wells and had two sons, John and Morgan.

Morgan Brown, the first of that name, and son of the first Edward, on the death of his father inherited the land on Lankford's Bay and Chester river; and there he made a settlement. But becoming dissatisfied, having heard of fine lands and promising offers made in Pennsylvania for settlers by Penn, the proprietor; and also having embraced the principles and doctrines of the Friends (or Quakers), he made a journey to that part of the country and was highly pleased with it. He returned home with full determination to remove there as soon as he could arrange his business for that purpose, but before this was completed he took sick and died; and his family chose to remain where they were. He had married Elizabeth Buckingham, by whom he had three children—Morgan, born October, 1693; Sarah, born 1695; and Edward, born 1697. Edward married Mary Chears, and had six children, viz.: Edward, John, Morgan, James, Catharine and Elizabeth. Sarah married John Hamor and had five children, viz.: John, Sarah (married to Thomas Smith), Mary (married to Lazarus Tittle), Elizabeth (married to Robert Nap Clothier, and lastly John 2nd of the same name). These all had children except the first John, who married but died without issue.

Morgan Brown the second of that name, the son of Morgan and grandson of the first Edward, inherited his father's lands on Lankford's Bay and Chester river. He married Rebecca Dardan in the year 1715, both being Friends or Quakers, were

industrious, economical and prosperous in their undertakings. It is probable there never lived two better, or more moral and truly religious people in any age of the world. As the Friends were the most numerous denomination settled on this tract between Lankford's Bay and Chester river, it was called Quaker Neck, which name it continues to this day. Morgan was soon considered as one of the heads of this society and took the lead in building a large brick meeting house where was established a half-year meeting, as well as a quarterly, weekly and half-weekly meeting. He was a great farmer, had a number of negroes, for it was not yet fashionable even for Quakers to reject slavery, but his were uniformly treated as white laborers, and loved him as a father. As his sons grew up he also trained them all to business, either on the farm or other employments. If he directed a son to make a plow or a cart-body, or a tobacco hogshead, and he suggested the want of knowledge, his reply was, "Try it, my son; if thee should spoil one piece of wood get another; there is timber plenty in the wood." If the son complained it would cost him much time, his answer was, "Never mind the time; do thy work well, and none will ask how long thou wert about it." He also gave his children the best education the situation of the country then admitted; was an encourager of schools and works of public utility.

He was a man of about five feet eleven inches high, bold and manly countenance, stout made, of immense strength, particularly of his arm, there being few men he could not have jerked to the ground, and he knew nothing of fear; yet he was never known to be in a passion, and the worst word he was ever heard to say was "Convert thee." He was universally esteemed by all who knew him, of most liberal mind and extensive charity! He never reprimanded the transgressor with severity, yet the most profligate were more awed in his presence than they were in the presence of those who were austere and sour in their deportment and bitter in their invectives. His lessons were altogether by example and not by precept merely; so that it might be truly said every portion of his time was beneficially spent, for himself, his family, his neighbors and the community at large. He died in the year 1751,

leaving ten children—five sons and five daughters. First, Edward, born March 18, 1716; second, Morgan, born October 9, 1719; third, Rebecca, born November 4, 1722; fourth, Hannah, born October 16, 1725; fifth, Stephen, born August 1, 1728; sixth, Dardan, born March 25, 1731; seventh, Rachel, born April 8, 1735; eighth, Mary, born August 22, 1728 [38?]; ninth, Elizabeth, born December 20, 1741; tenth, Joseph, born October 27, 1744.

When he died none of his children but the younger ones were present with him, the older being married and living at some distance. The last day of his illness he requested his neighbor, Henry Hozier, to write his will, for he observed the law would not dispose of his property agreeable to his wishes; his land, with some additions he had made, now amounted to a thousand acres, which he desired should be equally divided among his five sons after the decease of their mother, which the law as it then was would give entirely to the oldest. Of his other property he was desirous of making something like an equal distribution also, and had so directed his will to be written. After giving instructions for writing his will, as though his habitual care and economy would continue to the last, he had his principal negro man, George, called in. It must be observed that when young he planted nine hart cherry trees on a beautiful spot of ground, pleasantly overlooking the bay, where he had always said he desired to be buried. These had now grown to be large trees, and about the center of them there stood an empty cider hogshead which had been put there to be in the shade, and stood on the spot where he wished the grave to be dug. "George," said he, "I wish thee to dig my grave. Remove that cider hogshead which is under the cherry trees, and in the spot where it stood dig the grave. Be particular, George, and don't injure the hogshead, but carry it carefully to the barn." He now turned his face toward Hozier, who was writing the last item of the will. "Friend Henry," said he, "my time of departure is at hand. I go to my God and Father, in whose transcendent goodness and mercy I have trusted. I leave this earthly habitation to enjoy a mansion of everlasting rest in the presence of my God and

Savior. I feel disposed to sleep." He closed his eyes and seemed to doze. Hozier, after finishing the section he was writing and waiting some time as he thought for him to finish his nap, said, "What shall I write next, Morgan?" Holding his pen ready, but receiving no answer repeated his question as he turned to look at him, when he perceived he was dead!

NOTE.—When I was in Maryland in the year 1774 Henry Hozier was yet alive, a very old man; from him I had the above account of my grandfather's death. My grandmother was also alive at that time and confirmed the same in substance. She also made me count up her children and grandchildren as she named them to me, the whole number being then seventy-seven. MORGAN BROWN, 4th.

Edward Brown, the fourth of that name, and son of the second Morgan, was bred to the mercantile business, and having married his relative, Mary Ringgold on Kent Island, commenced business there. He was an active, industrious man in his business. Being the oldest son and his father's will not signed, he determined to keep the landed estate himself, but proposed to pay his brothers what he considered something like the value they would have been entitled to if his father had lived to sign it. The brothers were not entirely satisfied with the price he set on the land, but having no remedy they acquiesced. He allowed his mother to possess and enjoy it during her life, and was otherwise a friendly and dutiful son and brother. He was very successful in business, and was growing rich very fast. But returning from a landing where he had been all night attending to the loading of a ship he was sending to England, mounted his horse about daybreak and was found dead on the road. As is usual on such occasions there were many conjectures about the cause of his death, which, however, all seemed to terminate in the opinion that it was caused [by] apoplexy. But his family and more particular acquaintance thought it was occasioned by the fall from his horse, he being a fat, heavy man, much fatigued and perhaps overcome by sleep.

It should have been mentioned in the foregoing section that his first wife was Rachel Sadler, by whom he had three children, Rebecca, Morgan and James, and none by the sec-

ond wife, who had two only by her first husband, Thomas and William; this last married his daughter, Rebecca, and had several children; names unknown except the oldest which was Mary. When I saw Rebecca Ringgold in the year 1774, I considered her as one of the finest specimens of both personal and mental accomplishments in woman, and approaching as near perfection in each. She was then the mother of several children, with staid and matronly manners, improved and accomplished mind, and beauty of face and person remaining fresh and entire.

On the death of their father the two sons were placed at school, and perhaps no two lads were ever more different in their progress. Morgan, the oldest, was perverse and obstinate, inattentive to his studies and mischievous in his habits. James was docile, attentive, congenial and pleasing in his manners, and greatly desirous of acquiring knowledge. Morgan was rough, overbearing and determined. At about eighteen he quit school and called upon his guardian for money to go to England. When asked what business he had there, his only reply was "that he wanted to see the king." As he was refused the money he entered on board a ship to work his passage. When there he made his way on the first Sunday after his arrival to the king's chapel, where he had a view of his majesty and family and returned dissatisfied. His guardian now prevailed on him to pay some further attention to his studies, and he continued about a year, but was then taken with a strong desire of going to the South to see his Uncle Morgan in Carolina; but being refused the money, he took to his former method and agreed to work his passage in a coaster to Charleston. This little vessel, without a quadrant, was driven off the coast by a storm, and were fourteen days nearly in a state of starvation, when they were relieved by a vessel bound for Charleston, and piloted in. This nearly cured him of sea voyages, and he undertook his journey to Georgetown on foot. As the road was heavy and sandy, and his feet badly blistered, he again took to the water, and agreed to work his passage in a boat, up Peedee river about two hundred miles to the Cheraws, when, if he had continued his journey by land, it was but about seventy miles. After re-

maining with his Uncle Morgan three or four months, he gave him a horse, bridle, saddle and money to bear his expenses and sent him home.

In a short time after his return from his travels, he married a Miss Carter, of Kent Island; and as his father had died without will he inherited the whole of his father's and grandfather's landed estate, which he immediately proceeded to take possession of, and put his grandmother to her third of her husband's possessions. He now quietly seated himself down, drank his grog, and perhaps never went ten miles from home again during his life except his tour in the militia, which was a very useless one. He had a good many children, whose names I do not know, except Morgan, James and Edward, and a daughter, Rebecca. His wife was a very fine woman and much esteemed by her acquaintances. How long he lived I know not. I saw him in 1774 and in 1778. He commanded a company of militia in Wain's defeat at the White Horse and behaved bravely.

James Brown, the brother of Morgan, was a man of learning and science. He had completed his studies as a physician at the commencement of the Revolutionary War, and entered the service of the United States at an early period. He was surgeon general in the army at the taking of Burgoin, and afterward director of the hospital, and surgeon general to General Green's army in the South. In every office and capacity in which he was called to act, he was highly approved and esteemed. If a good countenance is a continued letter of recommendation, no man was ever better provided for an agreeable introduction to good company. His person and features were truly elegant; his manners and address were smooth and agreeable. His amiable disposition, good temper and profound knowledge, not only gained the esteem of all his acquaintances, but also preserved their permanent friendship. When the army was in South Carolina he obtained leave of absence to return home to Kent county, Maryland, on business, but he took sick at Annapolis and died. The grand lodge of the United States, of which he was a member, being grand treasurer, buried him with the highest Masonic honors, carrying his remains from Annapolis to Kent county and depositing by

the side of his grandfather under the cherry trees on Lankford's Bay; during the passage minute guns were fired. He died universally lamented but left neither wife nor children [to] mourn his loss.

James Brown was the first of the family who added an e to the end of the name. He said, but very improperly, that the name had become so numerous there required something to distinguish the families. Since him I have observed some others of the family have adopted this very improper alteration of the name. I have his grandfather's name written by himself, and have seen his fathers as well as many others of the family, all of which were written Brown, without the e. The grants of land as well as deeds issued and made to our ancestors all bear this name, and it is a degradation offered their memory to suppose they did not know their proper names; and it is a supercilious presumption to assume another name without a more substantial reason than I have heard assigned.

Morgan Brown was the second son of the second Morgan, but as he and his brother Stephen went to Carolina and by that movement made a division in the family, I shall conclude what I have to say of those who remained in Maryland before I speak of them.

Dardan Brown, the fourth son of the second Morgan, was a man of the most amiable disposition, quiet, peaceable, industrious and most agreeable companion. He married Rachel Ringgold, who was a great-grandchild of the first Edward as well as himself. She was the widow Harvey at the time, and had one son, James Harvey. By her he had two daughters, Rebecca and Mary. He died early, and his widow continued single. These two children were just grown up when I saw them in the year 1774. Who they married I know not, but they were highly accomplished and amiable young ladies. For their sakes, their aunt told me, she lived single many years, notwithstanding several promising and pressing offers; and for another reason, she believed it impossible ever to get so good a husband again.

Joseph Brown, the fifth and youngest son of the second Morgan, remained with his ancient and widowed mother, being a favorite and very dutiful son. He married Mary, the

daughter of Charles Tilden, both of Quaker Neck. He purchased a plantation on Chester river adjoining the land of his father, on which he settled so convenient to his mother as to manage her concerns and to relieve her from all her cares and difficulties in her old and declining years. He had several children—Morgan, afterward Doctor Morgan Brown, of Chester Town, whom I have been informed was a gentleman highly esteemed both in his professional character, and as a good citizen; Rebecca, who grew up a most beautiful and accomplished young lady, but who she married or whether she married at all I know not; Joseph, a small boy when I saw him, and Ann, then a child. Other children Joseph Brown had, but their names or number I know not.

NOTE.—I visited my uncle, Joseph Brown, in the fall of 1774, and the winter of 1777-78 I spent with him. He was a friendly, hospitable man, an agreeable companion, and a most kind and affectionate husband and father. In the spring of 1778 I went with him to Spaniard's Neck or Corsica to put his son, Morgan, to school at Thomas Wright's. It was on this occasion I saw my grandfather's sister, Sarah Hamor, now the widow Downs. She was very old, but appeared to enjoy good health and affluent circumstances. MORGAN BROWN, 4th.

The second Morgan Brown also had five daughters. Rebecca married a gentleman of the name of Ringgold, who [lived] in or near the State of Delaware. They had several children, two only of whom have I ever seen. In the year 1778 I saw their daughter, Mary, then grown up and a sensible, well disposed young lady. In the year 1779 their son, James, came to South Carolina, and we spent some time together; but the country being overrun by the British, we got separated. In the year 1780 I met with him again at a Mr. Snow's, near the Moravian Towns in North Carolina. I afterward understood he married one of Snow's daughters, and that he and his father-in-law moved to some place near Edenton. I have never seen or known anything more of this family.

Hannah was married to a gentleman of the name of Earl in Queen Anne county. He died, and she married a Mr. Hawkins, but had no children by either of them. She was re-

marked for being the greatest beauty in the country, and a most excellent wife.

Rachel and Mary both married gentlemen of the name of Smothers in Delaware. Of these I know nothing more than that the family of Caswell in North Carolina derived their origin by the mother from one of these families of Smothers.

Elizabeth married a Quaker gentleman of wealth and high respectability in Quaker Neck, of the name of Thomas. They both died, leaving two daughters, Rebecca and Elizabeth. Rebecca married one of the Miflins and removed to Pennsylvania, near Philadelphia. Elizabeth was living a single woman in the year 1778. These ladies were rich, and owned one of the best tracts of land in the country. Who Elizabeth married I know not. A gentleman of the name of Stewart, who lived in Philadelphia, married an aunt of theirs by the father's side, and exercised some agency or guardianship over their concerns, but of what nature I know not; he also was a Quaker.

Here closes my account of the Maryland part of the family. The other two sons of the second Morgan went to Carolina, where I shall now follow and give what I know of their history.

Morgan Brown, the third of that name, and son of Morgan the second, was born the 9th of October, 1719, in Quaker Neck, Kent county, Maryland. He received a good common school education and was well versed in the business of a farm, but being of a more enterprising disposition than was common in the family, and hearing new countries were settling, particularly the Carolinas, as soon as he became of age he applied himself to learn surveying, knowing that that must be a valuable part of education in a new country (see his book); yet it was ten years before he set out on his intended immigration.

It must be here observed that about the year 1745 John Hamor, the cousin of Morgan, had emigrated somewhere to the South, but unknown where (see Fig. 2). Hamor had married a highly respectable young lady in Delaware of the name of Ion, by whom he had two children, William and Mary. But becoming involved by endorsing for a friend, he determined to explore the Carolinas until his friend and his creditors should arrange their business without his aid. When he came

to the Grassy Islands on Peedee river, he was so highly pleased with the situation that he determined to make it his residence, although there were at that time not more than half a dozen settlers within fifty miles up and down the river. Here he found himself lonesome, and recollecting that at Cape Fear river he had stayed a day or two at a house where there were several young women, to this place he returned, and prevailed on one of them to accompany him to his new settlement in quality of a wife, no doubt, and under the sanction of at least a pretended marriage, for she was undoubtedly a virtuous woman. By her he had two children, John and William; but now I return to my narrative.

The third Morgan Brown, hearing of his cousin settling in a promising situation in Carolina, left Kent county in the month of October, 1750, and arrived at the Grassy Islands on Peedee river in the latter part of the following month. Hamor not being at home he was surprised to find a woman in capacity of a wife with two children, for this circumstance of the second wife had not reached Maryland. When Hamor returned he was equally surprised to see a stranger, as he thought, taking up in his house; but in a short time, discovering who the stranger was, he was greatly rejoiced, it being the first news he had heard from his wife in five years.

Brown soon found plenty of employment as a surveyor, and spare as the settlements were in the year 1745, when Hamor first settled at Grassy Islands, in the course of five or six years the immigration had been such that a new country was laid out by the name of Anson, which at first extended from Descending creek to the Mississippi. He had frequently persuaded Hamor to send or go for his wife and children, which he had promised to do; but it had been postponed from time to time while he had been making a new settlement and providing a home for the second one and her children. But in the year 1767 Stephen Brown, Morgan's brother, arrived with the news of their father's death, which called his immediate return to Maryland. Hamor embraced the opportunity, returned with them and brought out his family. In his absence his wife had prevailed on Elizabeth Clothier, her husband's niece, to live with her, and of whom she grew so fond

that she prevailed with her to go to Carolina. And on the 27th of October of the following year, 1752* Morgan Brown married her.

In the year 1757 there was war with the Cherokee Indians, and Brown went on two expeditions to Keowee, in which he had the command of a company of militia. In the year 1763 he left the Grassy Island place and settled lower down the river, on Mark's creek, where he had purchased an excellent mill site and plantation on the river near to it. Here he built a saw mill, the first in that part of the country; and also a grist mill, with separate stones for grinding wheat and a bolting cloth, which was the first manufactory of flour that had been erected in the country, and people were known to come thirty miles and upward with their wheat. He appeared now to be in a very thriving condition; his wife was industrious and frugal, and himself industrious, pushing and economical. Yet there seemed to lie a hidden moth at the bottom that corroded the root and prevented the sap from rising! This it is necessary to explain.

After the Cherokee war in 1758 the provincial government emitted bills or paper currency for payment of the militia and supplies furnished for the war. As it was a considerable distance from the frontier settlements to Newbern, the seat of government, commissioners were appointed in each county in whose hands the money was placed for the payment of those demands, and they had to give security for the faithful performance of this trust. In Anson county Mr. Downs was appointed, and Morgan Brown, John Hamor and many of the principal citizens of the county became his securities. Some part of the money was properly applied, but with by far the greater part Mr. Downs thought proper to dispose of in another manner, and then disappeared. This alarmed the securities, who, not knowing the amount of the deficiency, considered it a ruinous matter, and at least two-thirds of their number, which was about thirty, followed Mr. Downs' example as soon as they could. Brown, Hamor and a few others

*In 1763 he went to Maryland again for the last time, obtained some money from his father's estate, or rather from his brother Edward as compensation for the land he should have had.

who could not adopt this measure, fell upon a plan, which, to some of them, proved equally ruinous. Having considerable influence with the court, they determined to solicit the office of sheriff alternately; in which situation they could favor each other when the evil day of account should approach. In the meantime such as had property disposed of it, and when they purchased or took up lands, obtained titles in the name of their children or friends.

The next year a moderate tax was levied for redeeming the bills of credit, which was to continue for several years. The sheriffs were the collectors of the tax, and when it came to Brown's time to be sheriff he was engaged in building his mills, and performing the duties of his office, chiefly by deputies. They collected the tax and followed the example of Downs—went off with the money and left the sheriff responsible for the amount. The surety debt had also been sued for, and the lawsuit progressing notwithstanding all the obstacles that could be offered, but it had so happened that with the principal, the witnesses had disappeared, they being chiefly of Downs' family. But at length one of them was found and the trial came on, when, behold, he deposed that he did not see Brown sign the bond nor hear him acknowledge it; that he was present when several of the sureties did sign, but as there were a number of them signing he was sometimes absent; and that if Brown signed it at all it was not in his presence or within his knowledge. No other witness could be found, and here ended the suit so far as related to him. But the apprehension of ruin actually had ruined him. His concerns were now so deranged that he never could rescue them. He seemed to lose his energy and become dull, melancholy and unmanaging. And although he made some efforts to retrieve his affairs, all proved unsuccessful. He rented out the mill and plantation for five years, until his oldest son, Morgan, came of age, to whom they belonged. The amount was to be appropriated to the payment of his arrears of public taxes collected by his deputies. But the Revolutionary War was now fast approaching, and business was dull, communication with the West Indies was cut off and lumber would not sell, the rent was not paid, and he was still embarrassed.

The tenant now proposed purchasing the mill and plantation, although at a low value, if security could be given for a title to be made when the oldest son came of age, which was yet five years. Another condition exacted was that one-half of the price was to be retained until the title was made, and another was that the said son would promise on his word of honor to make the title when he came of age or within ten days after. These conditions, hard as they were, were all complied with, and Brown was released from the most pressing of his embarrassments. He now removed to a tract of land belonging to his second son, and with the aid of a few negroes belonging to his oldest son, and that oldest son's management and industry, built comfortable houses and cleared a small plantation, sufficient, with economy, to support the family. In the meantime Brown himself followed the surveying business, this being the only office retained. His clerkship had been given up in order to take the sheriff's office, which had long since expired and left him involved. In the first ten or twelve years of his residence in the country, he had surveyed almost all the lands that had been granted, and as the inhabitants increased, contentions with respect to title and locality accumulated, so that he was in almost constant employment, for he had the most tenacious memory and could show boundaries wherever he had surveyed. And this appeared to be the only business he took pleasure in, and that was all; for, indulgence and want of energy in collecting prevented him from ever making anything by his business.

The third Morgan Brown was certainly an honest, industrious, sober and temperate man. He was counted by his acquaintances generally a sensible, well-informed man; but he most certainly lacked judgment and decision, particularly in his own concerns. In the early part of his life in Carolina, he was successful in all his undertakings and accumulated property fast; but when, by his good nature or improvidence he was drawn in to be security for the commissioner, Downs, and consequent involvement with refractory and discordant partners in the suretyship, who would not consent to make any exertions to exonerate themselves in a legal and honorable manner, he became daily more and more embarrassed

by the very means he used to extricate himself. And finally, after a continued struggle and score of disappointments and small but deranging misfortunes, he became dispirited, dull, and wholly without energy. But in all his distresses and misfortunes he never showed the least inclination to dissipation or excessive drinking to drown sorrow. Educated a Quaker, he retained the principles of that religion while he lived, except fighting in self-defense, which he firmly held to [be] justifiable. He was firmly attached to the cause of the Revolution, a good Whig and encouraged his sons and sons-in-law to fight manfully for their country. Being very temperate, both in eating and drinking, he enjoyed much satisfaction in both. His life was almost an uninterrupted scene of good health and moderate exercise, until finally it closed without a struggle in the year 1809, being then in the ninetieth year of age.

Elizabeth Brown, the wife of the third Morgan Brown, by her mother was the great-granddaughter of the first Morgan Brown and by her father was descended from a French family who settled in Queen Ann and Cecil counties at a pretty early period. They were three brothers, Lewis, John and Robert Clothier (Drapier, the French name). Robert, who had a middle name, Nap, settled at Kent Narrows. Kent Island at the northermost part was originally joined to the mainland on the east side by a low, marshy neck of land which in process of time the high tides and hard winds made a passage through, and it is now a deep channel where vessels of burden pass. This place was called Nap's Narrow for a long time, and may yet for all I know. This family were remarkable for ingenuity and a natural knowledge of science and the mechanic arts.

Morgan Brown, the third, and Elizabeth, his wife, had nine children, whom they saw grown up and married, except one, and also two or three who died young, viz.:

1. Rebecca Brown, born September 4, 1755, Wednesday.
2. Morgan Brown, 4th, born January 13, 1758, Friday.
3. Elizabeth died young.
4. Rachel Brown, born November 27, 1761, Friday.
5. Joseph Brown, born November 5, 1763, Saturday.
6. Edward Brown, born February 24, 1767, Tuesday; died early.

7. James Clothier Brown, born January 17, 1769, Wednesday.

8. John Hamor Brown, born February 11, 1772, Tuesday.

9. Jane Brown died an infant.

10. Dardan Brown, born March 25, 1775, Saturday.

Rebecca was married to Thomas Tomkins, the son of a wealthy farmer on Peedee river. They commenced the world under favorable circumstances. She was industrious, well informed, genteel and handsome. In fact, she was one of the best of wives. Tomkins, although raised in a good family, and had such education as the times afforded, and appeared gentlemanly and well disposed, was in fact the "wild ass's colt." His father, who was highly gratified with the marriage, gave him an excellent plantation and negroes, with stock of every kind. But nothing could keep Tomkins up; he seemed wholly insensible to the value of property, and therefore could not keep it. While his father lived he was under some restraint, but the old man dying in three or four years, it took the son but three or four more to dispose of his property and render himself dissipated and contemptible. The greatest misfortune was that under all disadvantages he lived long and useless. He died somewhere in Alabama at upward of seventy years of age. Rebecca also lived to about seventy-five, and died at her brother's (James Brown) in Alabama. They raised but one child, a son, John B. Tomkins, who took so entirely after his father that he was of no account. He married Susan Jackson, by whom he had several children.

Morgan would be the next, of course, but having something more to say of him than the others, I shall leave him until the last.

Rachel married Francis Tomkins, a brother [of] Thomas, but a much better man. He was more sober and domestic, and finally became a professor of religion, of the Methodist denomination. His wife also having from childhood been steady and sedate, became a most pious woman and one of the best of wives and mothers. They raised four children, Thomas, Mary, Elizabeth and Rebecca. Thomas married Mary Harmon and had several children. Elizabeth married Thomas Tomkins, the son of Stephen. Mary married Thomas

McElrath and died, leaving no children that I know of; and McElrath married her sister, Rebecca, by whom he had several children. But as this family moved to Mississippi and settled somewhere about the pretty gulf, I know not their present number or names.

Joseph Brown married Mary Gordon, by whom he had several children—Morgan, Gilbert, Alexander G., Joseph and a daughter whose name I do not know. He was unfortunate, weak-minded and capricious. He parted with his wife, perhaps without cause, and went to Georgia, from whence I have heard no certain account of him, and know not whether he is dead or living. His wife raised up her children respectably, and I have been informed that Morgan Gilbert is in respectable circumstances, doing well, in Alabama. Alexander is also a man of business, and doing well at or near Cheraws in South Carolina. Their [mother] has now been dead some time.

Edward Brown died young and without issue.

James Clothier Brown married Sarah, the daughter of Gully Moore, near Palmyra, in Tennessee. By her he had children—John Morgan, Rebecca Darden and others whose names I do not know. He lives in Alabama, about twelve miles west of Mobile Town.

John Hamor Brown married Phebe, the daughter of Elisha Parker, near Cheraws, in South Carolina, by whom he had several children, but their names or number I know not at present. He lives in the State of Alabama.

Darden Brown married Mary, the daughter of Gully Moore, by whom he had several children—Morgan, Gully Moore, Mary, Rebecca and ——. He lives in Alabama, six miles west of the town of Mobile.

Having given some account of all of the second Morgan's children, and their children, so far as I know them, except his son, Stephen, and grandson, Morgan the 4th, I shall now give some account of them.

Stephen Brown, son of Morgan the second, married early in life, but to whom I know not. By her he had a daughter, called Charlotte, a fine girl, who grew up and married a gentleman that moved to Kentucky in the early settlement of it, but I know not his name, and therefore he seems lost to the

family. Stephen Brown married a second wife, Mary Hamor, the daughter of his cousin John Hamor. By this wife he had three children—Morgan, Hannah and Mary. Morgan died at about twelve years old. Hannah married Nathanael Curtis and had several children, but their number and names I know not. Curtis married a second time and was killed by the Tories in the time of the Revolution War. I know not who Mary married.

Stephen Brown was a man of much strength and activity, good-natured, yet "stout enough to fight," and seldom missed a fair opportunity, though he never got worsted. He was inclined to dissipation, but toward the latter part of his life became sober and prudent. His wife being the only legitimate child of Hamor, he did much for her, and they lived happily together for some years, when he was attacked with the consumption and died. His widow married the second time, John Husbands, and had several children, though I remember the name of only one, William. The old John Hamor outlived all his children, but the oldest son (John) by the second wife, whom he married legally after the death of the first, and having outlived her also, died, about the year 1773 at a good old age. His sons both married and had several children. William died before his father, and John died at Charleston on board a prison ship in the year 1781. His oldest son, John, married Elizabeth Hicks, daughter of Benjamin and Mary Hicks. This family moved to Mississippi, and how they have done, or how many children they have, I know not.

[To be continued.]

ALTA VELA.

Why Judge Black Withdrew from the Impeachment Trial of President Johnson.

BY J. S. JONES, GREENEVILLE, TENN.

The reader will look in vain through cyclopaedias and dictionaries of history for the name "Alta Vela," and if he should be told that it is an island of West India, his atlas will still fail to reveal its position, so insignificantly small is it. And yet it was of sufficient importance when thrust into Washington affairs during the impeachment trial of President Johnson to cause one of his chief counsel to withdraw from the case, and to lead the House of Representatives to demand an explanation of some of its managers.

It was a sensation, second only to that of the impeachment trial itself, when Judge Jeremiah Black, after having engaged as one of Andrew Johnson's counsel, and having aided in the preparation for his defence, suddenly withdrew from the case, leaving the general public for a time to suppose that he was unfriendly to his client's cause.

As to what the popular comment may have been, we can have only a limited knowledge now; but that the enemies of the President sought to use it against him we are assured from reliable sources.

The injection of the affair into the impeachment trial by Manager Boutwell in his speech for the prosecution led to a reply from Hon. Thos. A. R. Nelson, a well known jurist of Tennessee, and one of the President's counsel, which set all Washington agog, and threw the friends of impeachment movement on the defensive.

In Manager Boutwell's speech he made a terrific arraignment of Andrew Johnson's personal character, declaring him to be a man of violent passions, and one who spared none

who would not become the instrument of his pleasure; adding: "Already this purpose of his life is illustrated in the treatment of a gentleman who was of counsel for the respondent; but who has never appeared in his behalf."

On the next day, when Mr. Nelson came to reply for the defense, he referred at length to the insinuation of Manager Boutwell; and offered to show that Judge Black retired from the case because the President had refused to lend the aid of the Government to a speculating scheme, in which not only Judge Black, but some of the managers of the impeachment trial were interested.

In the course of his statement, and the rebuttal offered thereto, it developed that General Butler, Hon. Thaddeus Stephens, Hon. John A. Bingham and General Logan were the managers implicated. In an altercation of words between General Butler and Judge Nelson, the latter used the following language: "So far as any question that the gentleman desires to make of a personal character with me is concerned, this is not the place to make it. Let him make it elsewhere, if he desires to do it."

Whereupon Senator Charles Sumner offered a resolution to the effect that a vote of censure upon Judge Nelson be taken by the Senate, on the ground that he had uttered words intended to provoke a duel, and had expressed his willingness to fight a duel, contrary to law and good morals.

The resolution failed and the matter was dropped, so far as the Senate was concerned. The House, however, called upon its members to clear themselves of the charges insinuated against them; which they did; and their explanation was received upon a party vote.

It has been asked often by students of this, the greatest impeachment trial of all civilization, What was the speculation scheme, so charged, which led to the withdrawal of Judge Black, and for a time threw all Washington into a fever of excitement?

Among the private papers of ex-President Johnson, in his old home in Greeneville, there is a package of letters marked, "Alta Vela," which taken in connection with other data there found explain the whole affair.

From these it appears that Judge Black was counsel for Patterson and Murguiondo, a guano company of Baltimore, whose agents had discovered a valuable deposit of guano on the little barren island of Alta Vela, lying about fifteen miles south of St. Domingo.

The island is but one-half mile wide and three-quarters of a mile long, and was utterly without value, except as to the deposit of guano.

Assuming it to be outside the jurisdiction of any other government, the agents of this Baltimore company took possession of it in the name of the United States, raised the stars and stripes, and proceeded to open up their works.

The product proved to be of a fine quality and in paying quantity, and all went well with the company for nearly a year.

But suddenly a party sent out by the Dominican Government fell upon the Americans, destroyed their plant and arrested and imprisoned the laborers.

A new company was at once organized, with the President of St. Domingo, the English and French Consuls at St. Domingo, and Thurlow Weed, of New York, as stockholders. This new company paid a royalty to the Dominican Government, which had now assumed the control of the island.

For several years the Baltimore company had endeavored to get the President of the United States to assert its right to the island and reinstate the company in possession of its claim. But the matter had dragged wearily along at Washington, while at the same time Thurlow Weed and company were diligently denuding the island of all that made it valuable.

When Judge Black became counsel for the Baltimore company, he sought to have President Johnson send a gunboat to take forcible possession of Alta Vela; but he was unable to get Mr. Johnson to see the rightfulness of the position he urged him to take.

Waiving the question of right, his task was a difficult one from the fact that Mr. Seward, anxious for a coaling station on St. Domingo, advised against any action; and Thurlow Weed,

of New York, was a man of no small influence, and never failed to exert that influence when he had anything at stake.

Thus the matter stood when the impeachment trial of the President was launched.

Whether with or without his father's knowledge, we do not know; Chauncey F. Black, son and law partner of Judge Black, fell upon a plan to influence the President to act in the interest of their clients. He secured the opinion of General Butler as to the President's right to take forcible possession of Alta Vela; and to this he had General Logan, Mr. Stevens and Mr. Bingham, all of whom were prominent leaders in the House, and were the most aggressive antagonists of the President, to give their endorsements.

Augmented by this, and conscious of the President's desire to retain his father as counsel, young Black again urged his claim, but to no avail, and perhaps with less chance now than ever, for as the matter was presented it appeared to be a scheme to force Andrew Johnson to do that which he was not inclined to do, or the right to which he doubted.

It was suggested, naturally enough, that these Congressmen who had endorsed this claim must be interested. More than a million and a half dollars were involved in this claim. Did these gentlemen hold stock? This was the opinion entertained by the President's friends, and this theory they urged when Manager Boutwell injected Alta Vela into the impeachment trial.

Among these letters in the Johnson collection is one from a mutual friend of Judge Black and President Johnson in which he informs the President of Judge Black's intention to withdraw as one of his counsel; and urges him to make all conciliatory advances possible to dignity and honor.

But no reconciliation was effected, for it was a matter involving integrity so far as Andrew Johnson was concerned, and, judging from the letter of Judge Black, it was to him one involving a lawyer's honor to his client.

The letter of withdrawal sent to the President by Judge Black March 19, 1868, after the impeachment trial had been in progress for two weeks, is of peculiar interest and sets at rest the question as to why he withdrew. It reads:

"Mr. President:

"Your determination to determine nothing for the relief of the owners of Alta Vela makes it impossible for me to serve you longer as counsel in the impeachment case.

"They cannot allow their rights to be trifled with, and I cannot advise them to submit in silence to the outrage perpetrated upon them.

"I am sure you will admit that I never urged this upon your attention until you had a full opportunity of examining it, nor asked you for a decision until you expressed the opinion that the title was just and legal.

"Mr. Seward's little finger, it appears, is thicker than the loins of the law.

"My retirement from your case will not probably diminish the chances of its success.

"But to me it is a cause of sincere grief that I cannot aid in the struggle you are making for truth, justice and the constitution of your country. I do most devoutly believe that the accusation now made against you by the House of Representatives is unfounded in fact and law; and that your defense must be regarded as conclusive by every impartial mind. I know it will be presented with consummate ability.

"I hope you will see plainly that I have adopted the only possible mode of relieving myself of embarrassment and complications which would be wholly unendurable if I did not get rid of them in some way. Yours andC,

"J. S. BLACK."

AN INTERESTING LETTER FROM WASHINGTON IRVING.

[The treaty of commerce of July 3, 1815, having been interrupted by British orders in council on the one part, and by Presidential proclamations on the other, Louis McLean, United States Minister to Great Britain, was instructed to enter into negotiations for the purpose of opening the ports in the British colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands, to the vessels of the United States, and of opening to British vessels the trade between the British colonial possessions and the American ports. The negotiations were successful, and trade relations were re-established in 1830.

The difficulties attending the negotiations are clearly and entertainingly related by Washington Irving, Secretary of Legation, in the following letter to his friend Wm. B. Lewis, Second Auditor of the Treasury. The letter is from the collection of Mr. Joseph S. Carels, and has never before before been published.]

London, Nov. 20th, 1829.

Dear Sir:

The hurry of various occupations since my arrival in this country has prevented my acknowledging at an earlier date your obliging letter handed me by Mr. McLean. I have been much pleased and interested by the account of the flourishing state of the Western country contained in the speech of Mr. Everett and I extracted such part as I thought calculated to have an effect on this country and sent it to one of the monthly periodical works for insertion, which I thought better than consigning it to the transient columns of a newspaper. Owing very probably to a press of other matter it has not yet made its appearance; when it does I shall have great pleasure in transmitting to you the publication.

From the cordial manner in which I have heard Mr. McLean express himself concerning you, and the friendship which I understand exists between you, I make no doubt you will be desirous to know something of the manner in which he gets on in his new and arduous situation. He has had a delicate, a

difficult and a laborious task to perform, of which few but those on the spot could form any idea, and he has had to perform it in a wretched state of health, shattered and debilitated by a boisterous sea voyage, and by the chills and damps of an English climate. The very season of the year has been unpropitious to the prompt despatch of diplomatic business, for it is the great season of field sports, when every English gentleman who has an estate in the country or has access to that of a friend, makes a point of absenting himself as much as possible from town to enjoy the hunting and shooting, which are pursued with a kind of mania from one end of the kingdom to the other. The frequent absences of cabinet ministers on excursions of this kind have repeatedly delayed interviews and interrupted and protracted the whole course of negotiation. The great difficulty in its way, however, was a total unwillingness of the cabinet to enter into any negotiation upon the leading object of the mission—the arrangement of the West India trade. I really believe it was the previous determination of ministers to avoid any negotiation of the kind, a bitter feeling having grown up toward us in this country in consequence of what is considered hostile policy on the part of our late administration. The neglect of our government to avail itself of the arrangements proposed by the act of Parliament of 1825 and the resentful manner in which we had arrayed ourselves for the order in council of 1826, though it was nothing, say they, but a measure which the British government stood pledged to adopt; these and the tariff law have caused a general irritation in the country, and a belief in our national animosity to Great Britain, which is shared both by statesmen and by the community at large. The cabinet, too, had some distrust as to the temper of our present administration and as to the real policy intended to be adopted by General Jackson, having been much biased in their opinions respecting the President by the misrepresentations poured out by our public papers during the late election.

In such a state of things Mr. McLean has found it necessary to proceed with more caution and deliberation than he had originally proposed. It was necessary first to remove certain jealousies and prejudices, to inspire a confidence in the

character and intentions of our present administration and in the frank and conciliatory nature of our present mission. To have made any direct proposition before the ground had thus been a little prepared would very probably have drawn forth such a reply as to preclude the possibility of further negotiation. I am confident in saying that, in consequence of these precautions, the negotiation, which might otherwise have been ungracious and unprofitable in its progress and abrupt and irritating in its conclusion, has been conducted with great courtesy and the most beneficial effect. Ministers have been induced to enter freely and fully into discussions of topics which for some time past they had treated as no longer matters of negotiation. Mr. McLean has had repeated conference with them, in which he has urged the objects of his mission with a frankness, a perspicuity and adroitness that have been irresistible in producing *conviction* in the minds of those with whom he had to treat. The conduct and language of ministers evince it. Their whole tone is changed; they are convinced of the sincerity of our purposes and the soundness of our arguments, and there appears to be a real disposition in the cabinet to arrange the trade on a basis of mutual accommodation and advantage.

Unfortunately, however, there are obstacles in the way which, in consequence of the undue weight given to them, threaten to defer if not defeat the arrangement so much to be desired. Since the suspension of direct intercourse with the West Indies a new set of interests has sprung up. Numerous British merchants and shippers have formed commercial establishments in the Canadas and the Central Islands, and have engaged a great amount of capital and a great number of ships in the circuitous trade. These merchants and shippers now beset the ministry with their clamors and fill the newspapers with their remonstrances against any change in the present system. They declare that the government stands pledged, through Mr. Canning, to continue the present course of trade; that it was in consequence of such a pledge and in the assurance that the government would protect them, that they embarked all their property in establishments calculated to promote the trade between the islands and the Brit-

ish Canadian possessions; that it will be a breach of good faith for the government now to revoke its measures; that it will not merely produce their ruin, but may produce the alienation and ultimate loss of the North American colonies.

The busy intrigues, the incessant representations and remonstrances of these men have completely embarrassed the ministry, and I am convinced are the real causes that prevent an immediate accommodation of the matters in dispute. The ministers are fearful of the clamor that might be raised both in and out of Parliament should they appear to sacrifice an interest which has grown up in consequence of their own acts, and above all, should they prostrate it to accommodate and propitiate a country which is held up as insidiouly and implacably hostile.

Finding, under all these circumstances, that it was impossible to induce ministers to make the first move toward a mutual arrangement, Mr. McLean has come forward with a proposition calculated to soothe the irritation and save the pride of the British nation and at the same time to relieve ministers from their dilemma. He has proposed that the American government shall retrace the step which seems to have been the cause of all this embarrassment; that it shall rescind the act excluding from our ports British vessels coming from the West Indies, and, in a word, shall put matters in the situation from which they were changed by the ill-judged act of the late administration, it being understood that this measure shall lead to a revocation on the part of the British government of its excluding order in council. This proposition, so worthy of the administration of a great people, evidently surprised the cabinet, and forced from them an acknowledgment of its frankness and magnanimity. They have not been able to reply to it otherwise than by declaring a disposition and intention to accept it ultimately, and to enter into an amicable arrangement of the trade. Still they are anxious to gain time, and most earnestly entreat that they may not be pressed and hurried. They avow that there are circumstances, which they cannot explain, operating to render it inexpedient at this moment to comply with our propositions, though they acknowledge that they must ultimately do so, and that the difficulties

and embarrassments of an arrangement are every day increasing. Such is the present state of the negotiation. It is the intention of Mr. McLean to repeat his proposition in writing, and to urge a prompt and decided answer, such being the nature of his instructions. What will be the result it is difficult to say. The ministry, did they feel more confident in their strength, would, I have little doubt, be favorable in their reply; and, were the next session of Parliament over, there would probably be no difficulty or delay, but at present they will perhaps endeavor to temporize and to keep the matter open for future negotiation.

As far as Mr. McLean has been personally engaged in this negotiation I am happy to be able to speak with confidence of the very favorable impression he has made here by the manly frankness of his manner, the courtesy of his deportment and the force and perspicuity of his reasoning. From my habits of intimacy of old standing with some of the ministerial circle I have had opportunities of hearing this from various sources. I feel pleased and proud that our country should have such a representative in this haughty and somewhat supercilious court, and I feel the more sensible of the favor done me by our government in associating me by my office with a gentleman whom I find in every way so worthy of confidence, affection and esteem.

I have the honor to be, dear sir, with great respect,

Your very obedient servant,

WASHINGTON IRVING.

Major William B. Lewis.

RECORDS OF THE CUMBERLAND ASSOCIATION.

[Continued from page 135.]

PREEMPTION CLAIMS.

William McCormick claims a preemption of 640 acres of land on Harpeth River, beginning near the Little Fork above the Nobs, running down said river on both sides, to include a spring and improvement, and marked on a tree near said spring I D.

EDWARD LUCAS,
January 20, 1783. for William McCormick.

Edward Lucas, heir-at-law to Robert Lucas, decd., claims a preemption of 640 acres of land lying on the east fork of Richland Creek, adjoining James Robertsons, near the head of the little branch, including a spring and improvement.

January 20, 1783. EDWARD LUCAS.

RECORD OF MARKS AND BRANDS.

February 11th, 1783, James Robertson records his stock mark, thus: A crop off each ear, and under kell in each, and brand thus—R.

Feby. 11th, John McAdams records his stock mark, thus: A crop off the right ear and whole through it, and a swallow fork in the left.

Feby. 11th, Andrew Ewing records his stock mark, thus: A crop off each ear, and upper kell in each.

Feby. 11th, John Cockrill records his stock mark, thus: A crop off the right ear, and under kell in the left.

Feby. 11th, George Freeland records his stock mark, thus: A crop off the left ear, and a swallow fork in the right, and brand thus—CF.

Feby. 11th, Thomas Fletcher records his stock mark, thus: A crop and hole in the right ear, and an under kell in the left, and brands thus—TF.

Feby. 11th, James Sommerville records his stock mark, thus:

A crop off the right ear, and a slit in the left, but not extending to the end, and an upper kell.

Feby. 11th, Mark Robertson records his stock mark, thus: A swallow fork and an upper kell in each ear.

Feby. 12th, James Shaw records his stock mark, thus: A half crop in the left ear and an under kell in the right, and brand thus—IS.

March 4th, Ebenezer Titus records his stock mark, thus: A slope under the left ear and an under kell in the right, and a slit in the dewlap, and brands thus—ET.

March 4th, James Mulherin records his stock mark, thus: A crop off the left ear, and an under and over kell in the right.

March 5th, 1783, William Overall records his stock mark, thus: A crop and a slit in the right ear, and a crop off the left.

Apl. 2d, 1783, Michael Shaver records his stock mark, thus: A crop off the right ear, and a halfpenny out of the upper side of the left ear, and brands thus—MS.

Apl. 23d, Obadiah Terrell records his stock mark, thus: A crop and under kell in the right ear, and a nick under and over in the left, and brands thus—T.

May 1st, 1783, Kaspar Mausco records his stock mark, thus: A crop off the right ear, and a slit in the dewlap of the cattle, and brands thus—KM in a circle.

May 3d, 1783, John Boyd records his stock mark, thus: A crop and a slit in the right ear, and two slits in the left, one on each side of the point of the ear, and brands thus—IB.

June 26th, 1783, Isaac Johnson records his stock mark, thus: A swallow fork in the right ear, and an under kell, and a crop off the left.

July 29th, 1783, Ephraim Peyton records his stock mark, thus: A swallow fork in the right ear and an under kell in the right.

August 27th, James McCain records his stock mark, thus: A crop off each ear, and an under and over kell in each.

ADMINISTRATION BONDS AND INVENTORIES.

Know all men by these presents, that we, Daniel Hogan, Isaac Linsey and Stephen Ray, of the District of Cumberland,

are held and firmly bound unto Col. Jas. Robertson, and his successors, as chairman of committee in the sum of three hundred pounds specie proclamation money,* to be paid to the said Jas. Robertson and his successors aforesaid or their assigns, to the which payment will and truly to be made and done, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals and dated this 4th day of March, in the year of our Lord one thousand seven hundred and eighty-three.

The condition of this obligation is such that whereas the above bound Daniel Hogan, administrator of all and singular the goods and chattels, rights and credits of James Herod, decd., do make, or cause to be made, a true and perfect inventory of all and singular the goods and chattels, rights and credits of the deceased, which have or shall come to his knowledge or possession of him, the said Daniel Hogan, or into the hands or possession of any person or persons, for, or in behalf of him, the said Daniel Hogan, and a copy of the same so made and well attested, do exhibit or cause to be exhibited unto our said committee within ninety days of the date of these presents; and the goods and chattels, rights and credits of the deceased at the time of his death which may at any time hereafter come into your hands, knowledge or possession, or into hands or possesion of any person or persons for or in your behalf, do well and truly administer according to law; and further do make or cause to be made a true and just account of all and every of the said administration within one year after the date of these presents, and all the rest and residue of the said goods and chattels, rights and credits which shall be found remaining on the said administration, the same being first examined and allowed of by our committee, shall deliver and pay to such person or persons to which the same shall respectively be due, according to the true intent and meaning of an act in that case made and provided; and if it shall appear that any will or testament was made by the deceased, and the executor or executors do exhibit the same unto our committee, requesting to have it allowed and ap-

*The clerk prepared his bonds in blank, and when he filled in the word "specie" he failed to erase the words "proclamation money."

proved of accordingly; if then the said Daniel Hogan shall render and deliver the said letters of administration, approbation of such testament being first had in our said committee, then this obligation to be void, or else to remain in full force and virtue in law.

DANIEL HOGAN, [Seal.]
ISAAC LINDSEY, [Seal.]
STEPHEN WRAY, [Seal.]

Signed, sealed and delivered in committee.

ANDREW EWIN, Clerk.

An inventory of the goods and chattels of James Herod, deceased, administered upon by Daniel Hogan, the fourth day of March in the year one thousand seven hundred and eighty-three:

One no horn cow and calf.
One red and white cow.
One three-year-old yellow heifer.
One two-year-old red and white heifer.
One two-year-old steer.
One year-old heifer, red and white.
One set of plow lions.
One share and one clevis.
Two axes.
One mattock.
One half-inch auger.
Two fish gigs.
Two pots.
Nine plates and one dish.
Three pounds of iron.
Two hoes.
One hammer.
One gimlet.
One pegging awl.
One pair of horse flumes.
Three pair of pot hooks.
Fifteen spoons.
One razor.
Three forks.
Two knives.
Two basins.

One pair of wool combs.
One old rifle gun.
One tomahawk.
Two Testaments.
One Bible.
One bed tick.
Four blankets.
One pepper box.
One snuff box.
One pair of scissors.
One smoothing iron.
Twenty-four bushels and one peck of corn.
Two bottles.
One jug.
Seven hundred and sixty-one dollars of paper money.
Twenty shillings of James' River Bank.

N. B. One stray cow followed the stock of James Herod, decd., from Houlston, and advertised by him in Kentucky, as he was on his journey to Cumberland; the increase is three head.

I have made a return of all the goods on Cumberland, but there is some goods in the care of Captain John Blackamore on Clinch. I do not know the articles till I receive them. He is to bring them to me next fall, and when I get them I will make the court a return of all and every article.

Know all men by these presents, that we, William Goings and James Shaw, all of the District of Cumberland, are held and firmly bound unto Col. James Robertson, and his successors, as chairman of the committee, in the sum of two hundred pounds specie proclamation money,* to be paid to the said Col. James Robertson or his successors as aforesaid; to the which payment well and truly to be made, we bind ourselves, our heirs, etc., jointly and severally, firmly by these presents. Sealed with our seals and dated this 4th day of March, in the year of our Lord one thousand seven hundred and eighty-three.

The condition of this obligation is such that if the above bound William Goings, administrator of all and singular the goods and chattels, rights and credits of David Goings, decd.,

* See footnote to preceding bond.

do make or cause to be made, a true and perfect inventory of all and singular the good and chattels, rights and credits of the deceased, which have come or shall come to the knowledge or possession of him, the said William Goings, or in the hands or possession of any person or persons, for or in behalf of him, the said William Goings, and a copy of the same so made and well attested do exhibit or cause to be exhibited to our committee within ninety days after the date of these presents, and the goods and chattels, rights and credits of the decd., at the time of his death, which may at any time hereafter come into his hands, knowledge or possession, or into the hands or possession of any person or persons, for or in his behalf, do well and truly administer according to law: And further do make or cause to be made a true and just account of all and every of the said administration within one year after the date of these presents, and use the rest and residue of the goods and chattels, rights and credits which then shall be found remaining on the said administration, the same being first examined and allowed of by our said committee, to deliver and pay unto such person or persons respectively to which the same may be due, according to the true intent and meaning of an act in that case made and provided. And if it shall appear that any will or testament was made by the deceased, and the executor or executors do exhibit the same in our committee requesting to have it allowed and approved of accordingly, if then the said William Going do render and deliver the said letters of administration, approbation of such testament being first had in our committee, then this obligation to be void; else to remain in full force in law. WILLIAM GOWEN, [Seal.]
JAMES SHAW, [Seal.]

Signed, sealed and delivered in committee.
ANDREW EWIN, Clerk.

The following is an inventory of the goods and chattels of David Gowens, decd., administered on by William Goings the 4th day of March, 1783, viz.:

One bell, about 4s. value.
One weeding hoe.
One buckskin.

One pair of shoe buckles.
One handkerchief.
One cow and calf received of James Thomson.
One cow and calf received of Jno. Gibson.
One two-year-old heifer.
One year-old heifer.
One rifle gun, shot bag and knife.

Know all men by these presents, that we, William Overall, Jas. Todd and Stephen Ray, of the District of Cumberland, are held and firmly bound unto Col. James Robertson, and his successors, as chairman of committee, in the sum of fifty pounds specie proclamation money,* to be paid to the said Col. James Robertson, his successors as aforesaid, or their assigns; to the which payment well and truly to be made and done, we bind ourselves, our heirs, etc., jointly and severally, firmly by these presents. Sealed with our seals and dated this 1st April day of 1783.

The condition of the above obligation is such that if the above bound William Overall, administrator of all and singular the goods and chattels, rights and credits of Patrick Quighly, decd., do make or cause to be made a true and perfect inventory of all and singular the goods and chattels, rights and credits of the deceased, which have come or shall come into the hands, knowledge or possession of him, the said William Overall, or into the hands or possession of any person or persons for or in behalf of him, the said William Overall, and a copy of the same so made and well attested do exhibit or cause to be exhibited into our said committee within ninety days from the date hereof; And the goods and chattels, rights and credits of the decd., at the time of his death, which may at any time hereafter come into his hands, knowledge or possession, or into the hands or possession of any person or persons for or in his behalf, do well and truly administer according to law: And further do make or cause to be made a true and just account of all and every of the said administration within one year from the date of these presents, and all the rest and residue of the goods and chattels, rights and credits which then shall be found remaining on the said administra-

*See footnote to Daniel Hogan's bond.

tion, the same being first examined and allowed by our said committee, to deliver unto such person or persons respectively to which the same shall be due, according to the true intent and meaning of an act in that case made and provided. And if it shall appear that any will or testament was made by the deceased, and the executor or executors do exhibit the same in our committee, requesting to have the same allowed and approved of accordingly, if then the said William Overall do render and deliver the said letters of administration, approbation of such testament being first had in our committee, then this obligation to be void; else to remain in full force in law.

WILLIAM OVERALL, [Seal.]
JAMES TODD, [Seal.]
STEPHEN WRAY, [Seal.]

Signed, sealed and delivered in committee.

Test: ANDREW EWIN, Clerk.

An inventory of the goods and chattels of Patrick Quigly, decd., administered on by William Overall, the first day of April, 1783, viz.:

One rifle gun.

One coarse linen shirt.

ATTACHMENT BONDS.

Cumberland, |
No. Carolina. |

Know all men by these presents, that I, John Thomas, am held and firmly bound to James Robertson, as chairman of the committee for the inhabitants of Cumberland, or his successor, in the sum of one hundred and twenty pounds to be paid by me, my heirs, etc. Sealed with my seal and dated this 7th day of January, 1783.

The condition of the above obligation is such that whereas the aforesaid John Thomas has prayed an attachment vs. the estate of John Sadler and hath obtained the same, returnable to the next sitting of the committee: Now if the said John Thomas shall prosecute his suit with effect or in case he be cast therein shall pay all costs and charges incident thereto, then this obligation is to be void, otherwise to remain in full force and virtue. JNO. THOMAS, L. S.

Test: ANDREW EWIN, Clerk.

Know all men by these presents that we, James Maulding and George Freeland, of the District of Cumberland, are held and firmly bound unto Richard Stanton in the sum of forty-two pounds proclamation money, to be paid to the said Richard Stanton, his executors, administrators or assigns; to the which payment well and truly to be made and done, we bind ourselves, and each of us, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals and dated this first day of March, in the year of our Lord one thousand seven hundred and eighty-three.

The condition of this obligation is such that whereas the above bound James Maulding hath, the day and date of these presents, prayed an attachment against the estate of the above mentioned Richard Stanton for the sum of twenty-one pounds, and hath obtained the same, returnable to our next committee held for the said District on the first Tuesday of April: Now if the said James Maulding shall prosecute his suit to effect, or in case he should be cast therein, shall well and truly pay and satisfy the said Richard Stanton all such costs and damages as shall be awarded and recovered against him, the said James Maulding, then this obligation to be void, else to remain in full force and virtue in law.

JAS. MAULDING, [Seal.]
GEO. FREELAND, [Seal.]

Signed, sealed and delivered.
Test: ANDREW EWIN, Clerk.

Know all men by these presents, that we, Samuel Mason and Thomas Fletcher and James Maulding, of the District of Cumberland, are held and firmly bound unto William Leaton in the sum of eight pounds, six shillings, eight pence proclamation money, to be paid to the said William Leaton, his executors, administrators or assigns; to which payment well and truly to be made and done, we bind ourselves and each of us, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals and dated this 1st day of April, in the year of our Lord one thousand seven hundred and eighty [three].

The condition of this obligation is such that whereas the above bound Samuel Mason hath, the day and date of these presents, prayed an attachment against the estate of the above

mentioned Wm. Leaton, for the sum of four pounds three shillings and four pence, and hath obtained the same, returnable to our next committee held for said District the 1st Tuesday in May: Now if the said Samuel Mason shall prosecute his suit to effect, or in case he be cast therein, shall well and truly pay and satisfy to the said Wm. Leaton all such costs and charges as may be incident thereto, then this obligation to be void, else to remain in force and virtue in law.

SAMUEL MASON, [Seal.]
JAMES MAULDING, [Seal.]

Test: ANDREW EWIN, Clerk.

Know all men by these presents, that we, Andrew Keller and Thomas Fletcher and William Overall, of the District of Cumberland, are held and firmly bound unto Peter Catharine, in the sum of £34, 12s, 4d, to be paid to the said Peter Catharine, his executors, administrators or assigns; to the which payment well and truly to be made and done, we bind ourselves and each of us, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals and dated this 2d day of April, in the year of our Lord one thousand seven hundred and eighty-three.

The condition of the above obligation is such that whereas the above bound Andrew Keller hath, the day and date of these presents, prayed an attachment against the estate of the above mentioned Peter Catharine, for the sum of £17, 6s, 4d, and hath obtained the same, returnable to our next committee held for the said District the 1st Tuesday of May at Nashborough; Now if the said Andrew Keller shall prosecute his suit to effect, or in case he be cast therein, shall well and truly pay and satisfy the said Peter Catharine all such costs and damages as shall be awarded and recovered against him, the said Andrew Keller, then the above obligation to be void; otherwise to remain in full force and virtue.

his
ANDREW × KELLER, [Seal.]
mark
THOMAS FLETCHER, [Seal.]
WILLIAM OVERALL, [Seal.]

Signed, sealed and delivered.

5 Test: ANDREW EWIN, Clerk.

Know all men by these presents, that we, Frederick Stump and Jno. Gibson, of the District of Cumberland, are held and firmly bound unto Isaac Rentfro, in the sum of £63, 4s proclamation money, to be paid to the said Isaac Rentfro, his executors, administrators, or assigns; to the which payment well and truly to be made and done, we bind ourselves and each of us, our heirs, executors, administrators, jointly and severally, firmly by these presents. Sealed with our seals and dated this 19th day of May, in the year of our Lord one thousand seven hundred and eighty-three.

The condition of this obligation is such that whereas the above bound Frederick Stump hath the day and date of these presents, prayed an attachment against the estate of the above mentioned Isaac Rentfro, for the sum of £31, 12s, and hath obtained the same, returnable to our next committee held for our said district the 1st Tuesday of May at Nashborough: Now if the said Frederick Stump shall prosecute his suit to effect, or in case he be cast therein shall well and truly pay and satisfy all costs and charges as shall be awarded and recovered against him by the said Isaac Rentfro, then this obligation to be void; else to remain in full force and virtue.

FREDERICK STUMP, [Seal.]
JNO. GIBSON, [Seal.]

Test: ANDREW EWIN.

Know all men by these presents, that we, John Brand and Saml. Barton, of the District of Cumberland, in the State of North Carolina, are held and firmly bound unto William Webber, in the sum of 24 dollars specie, to be paid to the said Wm. Webber, his executors, administrators, or assigns; to the which payment well and truly to be made and done we bind ourselves and each of us, our heirs, executors and administrators, jointly and severally, by these presents. Sealed with our seals, and dated this seventh day of June, 1783.

The condition of this obligation is such that whereas the above bound Jno. Brand hath the day and date of these presents, prayed an attachment against the estate of the above mentioned Wm. Webber for the sum of twelve dollars specie, and hath obtained the same, returnable to the committee of our district to be held at Nashborough the 1st day of July:

Now if the said Jno. Brand shall prosecute his suit to effect or in case he should be cast therein, shall well and truly pay and satisfy the said Wm. Webber all such costs and damages as shall be awarded against him, the said Jno. Brand, then the above obligation to be void; else to remain in full force in law.

JOHN BRAND, [Seal.]
SAML. BARTON, [Seal.]

Signed, sealed and delivered in presence of
ANDREW EWIN, Clk.

Know all men by these presents that we, John Hamilton and Isaac Johnson, of the District of Cumberland, in the State of North Carolina, are held and firmly bound unto John Montgomery in the sum of 27£, 12s, to be paid to the said Jno. Montgomery, his heirs, executors, administrators, or assigns; to the which payment well and truly to be made and done, we bind ourselves and each of us, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals and dated this 2d day of July, 1783.

The condition of this obligation is such that whereas the above bound John Hamilton hath the day and date of these presents prayed an attachment against the estate of the above mentioned John Montgomery, for the sum of 13£ 16s, and hath obtained the same, returnable to the committee to be held for the said district the 1st Tuesday in August at Nashborough: Now if the said John Hamilton shall prosecute his suit to effect, or in case he should be cast therein, shall well and truly pay and satisfy the said Jno. Montgomery, all such costs and damages as shall be awarded and recovered against him, the said Jno. Hamilton, then this obligation to be void; else to remain in full force in law.

his
JOHN x HAMILTON, [Seal.]
mark
ISAAC JOHNSON, [Seal.]

Signed, sealed and delivered in presence of
Test: ANDREW EWIN.

RECORD OF A LETTER OF ATTORNEY, JUNE 4, 1783.

Know all men by these presents, that I, Philip Alston, of Freeland's Station and settlement of Cumberland, in the State of North Carolina, for divers considerations and good causes me hereunto moving, have made, ordained, constituted and appointed, and by these presents do make, constitute and appoint my trusty friends, Thos. Moseley and Thos. Mâlloy, of the place aforesaid, my true and lawful attorney for me and in my name, and to my use, to ask, demand recover or receive of and from the administrators of John Marney, decd., now resident in the place aforesaid, the sum of five hundred and fifty-two pounds lawful money of this State, giving, and by these presents granting, to my said attorney my sole and full power and authority, to bring, pursue, and follow all such legal courses for the recovery, receiving and obtaining of the same as I myself might or could do were I personally present; and upon receipt of the same, acquittances and other sufficient discharges, for me and in my name to make, sign, seal and deliver, as also one or more attorney or attorneys under them to substitute or appoint, and again at their pleasure to revoke, and further to do, perform and execute, for me and in my name all and singular thing or things which are or may be necessary, touching and concerning of the premises, as fully, thoroughly and entirely as I, the said Philip Alston, in my own person, ought or could do, were I personally present in and about the same; ratifying, allowing and confirming whatsoever my said attorneys shall lawfully do or cause to be done in about the execution of the premises by virtue of these presents. In witness whereof I have hereunto set my hand and seal this 15th day of March, in the sixth year of our independence, and in the year of our Lord one thousand seven hundred and eight-three.

The above signed, sealed and delivered by Philip Alston in presence of Danl. Williams and Michael Stoner.

ORIGIN OF THE DEMOCRATIC NATIONAL CONVENTION.

[Conventions for the purpose of nominating candidates for President and Vice President were never resorted to prior to the campaign of 1832. Washington was elected without opposition. Adams and Jefferson made the contest for the succession by common consent. After that the congressional caucus was introduced. Jefferson was said to have been nominated by a caucus in 1800. Madison and Monroe were both so nominated.

In 1823 the General Assembly of Tennessee passed a resolution against the congressional caucus, which was inspired by Andrew Jackson and supported by James K. Polk. This was the beginning of the fall of the caucus system. The following year Wm. H. Crawford was nominated by a caucus composed of a minority of the Republican members of congress. That was the last caucus nomination. In 1828 Jackson was nominated by the Legislature of Tennessee, and in 1832 by the Legislatures of Pennsylvania and New York.

The first Democratic National convention was held at Baltimore, May 21, 1832, for the purpose of nominating a candidate for Vice President to run on the ticket with President Jackson. The Legislature of New Hampshire sent out the first call for the convention, which, Mr. Cluskey declares, entitles that State to the "gem in her political crown of having originated the system of National conventions." The following correspondence, however, between Amos Kendall, Fourth Auditor of the Treasury, and Wm. B. Lewis, Second Auditor, which we are permitted to select from the very large and valuable collections of Mr. Joseph S. Carels, Treasurer and Librarian of the Tennessee Historical Society, disclose the fact that the convention was first proposed by Wm. B. Lewis, a distinguished citizen of Tennessee, to Amos Kendall, then on a visit to the State of New Hampshire, and through his influence the matter was taken up and acted upon by the Republican members of the Legislature of that State.]

AMOS KENDALL TO WM. B. LEWIS.

Concord, N. H., May 17th, 1831.

Dear Sir:

I write you from Mr. Hill's. I came here yesterday with Gen. McNeil and am detained by the illness of his horse. I have had but little opportunity to obtain political informa-

tion. On my way to my father's I made no stop at Boston; but stopped two days at my brother's, four miles from the city. Gen. McNeil and Mr. Parker called on me there. I find them very much dissatisfied with our friends, N. Green, Henshaw, etc. Duff Green had just been there; Nat Green gave him a dinner, and invited in the leading Jackson men; Henshaw left Boston with him and was gone four days. Duff said Mr. Calhoun must be run for Vice President again, and those men fall into the idea. The Statesman maintains that Calhoun and Duff will support Gen. Jackson's re-election, and calls the Globe a Van Buren paper, etc. It is evident enough that they at present intend to sustain Duff and Calhoun. I intend to give them a piece of my mind about matters and things on my return, not caring what they may think about it.

In the country I find a rising Jackson spirit, which, if organized and well directed, would immediately raise a powerful party in the state. But if our Boston friends do anything, it is not felt thirty miles from Boston, and those disposed to go with us grope entirely in the dark. In my native township, which is always Democratic, there is now, I have little doubt, a decided Jackson majority; but so little do they understand of the affairs of the party that they are entirely ruled by the minority. At a meeting to choose a representative a few days ago, when they might have sent a Jackson man, they were induced to vote that they would send none. There is the same want of spirit and concert, as far as I can learn, throughout the state. The Boston men of our party, evidently do nothing for the success of the party; and the sentiment is extending that *they are content with the possession of the offices.*

The editor of the Lowell *Mercury*, printed at one of the great manufacturing places, called on me a few days ago. He thinks they will have a majority for Jackson in Lowell itself next year, and has himself been elected to the Legislature this year. I shall see him again.

I find Mr. Hill very well satisfied with the appointment of Mr. Woodbury. He thinks it will do good. He entertains no fear of his going for Calhoun; for after his return and be-

fore he was offered the Navy Department, he openly condemned the course both of Calhoun and Green. Having now received the favor of the President, Hill has no fears that he will betray his trust. I am much gratified at Mr. Hill's feeling on the subject. It will put an end to all difficulty in New Hampshire.

I have a letter from Hartford, Connecticut, stating that Duff Green there also inculcated the idea that Mr. Calhoun must be again run. This subject is one which ought to have our immediate attention. The New Hampshire Legislature meets on the 1st of June. Our party will do anything which is proper to unite the party. I have conversed with Mr. Hill on the subject and we have canvassed the names of various men and the force they can bring into the field. If nothing were looked to but the immediate strength of the party, John McLean would, in my opinion, be the safest man to run. But there are objections to him which are almost, if not quite, insuperable. Dickson would do; but the Southern states, I fear, would not be united in his support on account of his course on the tariff. On the whole, Mr. Hill thinks that P. P. P. Barbour will be unexceptionable in New Hampshire and Maine, and could be nominated and recommended with perfect unanimity by our friends in the Legislature. Now, it seems to me, that a man more unexceptionable on the whole, could not be selected. We have reason to apprehend that John McLean will be nominated for the Vice Presidency, and, supported by the Anti-Masons, Federalists, Workies, Calhounists, and Methodists, he would be formidable to any man we could start. If Barbour can secure the North, as Hill believes he can, he will be preferred by the South to McLean or almost any one else. In Kentucky they will unite on any man who shall be acceptable to the party in general; and Barbour would be as likely as any other man to receive the other Western states. There may be some difficulty in Pennsylvania. New York, I imagine, depends upon Mr. Van Buren. I take it for granted he does not wish to be run for Vice President—I am sure that he ought not to. Barbour, I presume, would not aspire to the Presidency. He would have served but four years when Gen. Jackson's eight shall expire,

and can be run for the next four with a new candidate for the Presidency. Can we do better than try this thing? Or, if it be not advisable to *nominate* him, the Legislature here may *recommend* him and resolve that they will support him or any other who shall be more acceptable to the Republican party in other states.

I shall visit Gov. Pearce to-morrow and the next day return to my father's. I have several visits to make, and must spend a few days at Boston. Give my respects to the President and say to him that without accident I will be at my post again the second week in June.

With great respect, your friend,

AMOS KENDALL.

WM. B. LEWIS TO AMOS KENDALL.

Washington, 25th May, 1831.

My Dear Sir:

Yours of the 17th inst., written from Mr. Hill's, has been received. I am much gratified to learn that our friends in New Hampshire, and particularly Mr. Hill, are pleased with the appointment of Gov. Woodbury. It is important, I think, that our friends *everywhere* should harmonize and act in concert, and particularly in the New England states where it is by *union* alone they can expect to succeed. Your information with regard to our Boston friends accords with that which I have received from others. I have lately received several letters from Boston, and among them one from my friend D., who gives a circumstantial account of Duff's visit to that place. If you see Mr. Derby please present my respects to him, and say to him I have received his letter. I fear the offices in that place were injudiciously disposed of or, from all accounts, the gentlemen who hold them look more to themselves than to the individual who bestowed them. I am not so sure but that it would have been better had they been given to the *Anti-Statesman* Party. I feel confident, however, that every reliance may be placed in the good feeling and fidelity of Parker, McNeil, and Derby. The Postmaster, N. Green, is with us, but I have not yet been honored with a visit from him. I have no doubt his

trip to Washington is for the purpose of ascertaining how the land lies. If that be his object I incline to the belief that he will not be much gratified at the information he will receive.

I have had a conversation with several of our friends here upon the subject of the Vice Presidency, and the unanimous opinion is that it's premature to *nominate* a candidate. There will be great difficulty in selecting an individual who will be satisfactory to the different local interests of the Union. Mr. Barbour, it is feared, will not be acceptable to Pennsylvania and New York; nor is it believed that Dickerson would be willingly supported by the Southern anti-tariff states. McLean, I am inclined to think, would be the strongest man that could be run by the Republican party; but there are almost insurmountable objections to him. Surrounded by so many difficulties, as the case is, and taking everything into consideration, many of our friends (and the most judicious of them) think it would be best for the Republican members of the respective Legislatures to propose to the people to elect delegates to a national convention to be holden, for that purpose, at Harrisburg, or some other place, about the middle of next May. That period is preferred to prevent an improper interference by members of Congress who, about that time, will leave this city for their respective homes. If the friends of the administration, when brought together from every part of the Union, in convention, cannot harmonize I know of no other plan by which it can be done. If the Legislature of New Hampshire will propose this, I think it will be followed up by others and have the effect, no doubt, of putting a stop to partial nominations. You had better reflect upon this proposition and, if you think with me, make the suggestion to our friend Hill.

In your letter you say "Duff said Mr. Calhoun must be run for Vice President again." That this is their intention I have no doubt. You will see from the Globe that we had an unusually large meeting here last evening. It is said by those who were present to have been more than twice as large as the Clay meeting which preceded it. At this meeting it was proposed by one of Duff's partisans to add a preamble and resolutions approving Calhoun's conduct and nominate him

for re-election as Vice President. The General (Green) had his myrmidons judiciously arranged through the company for effect, and when the question for their adoption was proposed they vociferated in their favor with *prolonged voices.* But it would not do; the resolutions were voted down by an overwhelming majority. Mr. Rives, your clerk, who was present, told me out of a company of about seven hundred he did not believe there were more than twenty or thirty in favor of these resolutions. Green, I am told, was very much mortified and looked "excessively cowed."

Dr. and Mrs. Sharp have been with us. They left here yesterday. The Dr., you know, was a strong Calhoun man; continued so until he saw Green; but Blair says he left cured of Calhounism. The General is rather an unfortunate agent for the Vice President.

Livingston and Woodbury have entered upon the duties of their respective departments. Judge White has again declined. I do not know who will be selected to fill the War Department, but am rather of the opinion that Col. Drayton will be the man. If so it is not improbable but the President may offer the appointment of Attorney General to John Bell, of Nashville, those appointments, however, are not positively determined on.

Everything here looks well. The President is in good health and looks very well. Mr. Van Buren will leave here probably the first week in June and Mr. Eaton about the first of July. Please present my respects to Mrs. Kendall, and believe me to be, Sincerely yours,

W. B. LEWIS.

The cover enclosing the foregoing two letters is indorsed by Major Lewis as follows:

"The answer herewith enclosed contains the *first* proposition for a national convention in 1832 to nominate a candidate for Vice President—and by which Mr. Van Buren was nominated."

NEW HAMPSHIRE RESOLUTIONS.

The Globe of July 6th, 1831, contained the following extract of a letter from a gentleman in Concord, N. H., dated June 25, 1831, to wit:

"The Republican members of the Legislature, to the number of about 160 (the whole number of members, say, 235) met last evening. An address and resolutions approving of the principles and measures of the present administration, the veto of the President on the Maysville Road Bill, disavowing the doctrine of Nullification, disapproving Clay's American System, but recommending a judicious reduction of the duties, disapproving of the United States Bank, passed the convention unanimously.

The convention also recommended a General Convention of Republicans friendly to the election of General Jackson, to consist of delegates equal to the number of electors of President in each state, to be holden at Baltimore on the 3rd Monday of May, 1832, to nominate a candidate for Vice President, and take such other measures in support of the re-election of Andrew Jackson as may be deemed expedient. The convention adjourned until Wednesday evening, when eight delegates will be reported by a committee appointed for that purpose, to attend the Baltimore convention. Governor Dinsmoor was nominated by ballot for re-election, with only two dissenting votes. He makes a popular and excellent Chief Magistrate.

The Republican party was never more united and harmonious in this state than at the present moment. It is completely identified in the support of General Jackson; and it is entirely out of the power of the coalition to shake his popularity in this state. There is no point in which we are better agreed than in decided opposition to rechartering the United States Bank.

DANDRIDGE: THE NAMESAKE OF MARTHA WASHINGTON.

BY HENRY FRANCIS BEAUMONT, KNOXVILLE, TENN.

One of the most eminent historians in America has remarked that the history of Tennessee was not only the most interesting, but the most unique among the histories of the American states. Without exception almost every town or village in the state of any importance bears a distinctive prominence, and the subject of this sketch—*Dandridge*—stands foremost in that regard, for it is the only namesake the wife of George Washington has ever had, speaking from a geographical standpoint.

Dandridge is the capital of the county of Jefferson. It was settled principally by Virginians, and the bestowal of the name of the author of the immortal "Declaration of Independence," a Virginian himself, becomes proper, but not more so than the naming of the county seat in honor of Mistress Martha Dandridge Custis Washington.

From the day of its establishment to this the history of Dandridge is full of interest, rich in the inspirus of song and story. George Dougherty, the hero of King's Mountain, and Alexander Outlaw, jurist and statesman, were among the ten justices who organized the first court for Jefferson county on June 11, 1792. There Francis Dean preached for many years. Among the lawyers in attendance on the court were Hopkins Lacey, Luke Bowyer, John Rhea, James Reese, Archibald Roane and William Cocke, lately secretary of the ill-starred State of Franklin. There it was in May of 1793, at the first session of the court held there after the town was named Dandridge, that "John Sevier produced a license to practice law, was qualified and admitted accordingly." It was at the home of Dr. Wm. Moore in Dandridge that the episode occurred which in all probability made Sam Houston the "Father of Texas," and hanging upon the walls of the court house is the marriage

license in the original which tells of a new side to brave old David Crockett's character. The hills of Dandridge have echoed back the voices of many of the finest and most eloquent orators of this state, and its streets have sounded and resounded beneath the martial tread of those who won the Volunteer State from wild beast and Indian. Situated in the heart of a rich agricultural area, shielded and surrounded by towering knobs and hills, as yet untouched by railroad, Dandridge still retains just such traces of the

"By-gone days of old"

as to make it one of the most interesting in this territory.

First Settlement.

The settlers began to cluster around a little log Presbyterian church known as Rev. Francis Dean's Lower Meetinghouse, situated on what is now the center of town, near the home of Alexander Hynds, as early as 1785. The tide of settlers followed the rich water-courses in the early nineties, and gradually the little nucleus of humans expanded until, mayhap, half a score of log cabins were built around that little temple of religion on the north bank of the French Broad river. The site was a gentle knoll, now partly owned by Alexander Hynds, and the other part by John M. Hill and Will Cowan.

The identity of the first settler at Dandridge is not known positively; Rev. Francis Dean owned the territory upon which the church was built, it including the very heart of the town of to-day, though how he procured it is not known, as he evidently had gained possession of it prior to 1792, when it was a part of Greene county.

Formation of County.

Gov. William Blount, soon after his appointment by George Washington as "Governor of the Territory South of the River Ohio," took steps to lay off from the counties of Green and Hawkins the two new counties of Knox and Jefferson. A court was opened and held for the county of Jefferson at the house of Jeremiah Matthews on Monday, July 23, 1792. The

ten justices commissioned by Gov. Blount, among whom were George Dougherty and Alexander Outlaw, organized the first court for the new county on June 11, 1792. Joseph Hamilton was elected clerk and Robert McFarland was the first sheriff for Jefferson county. During the succeeding 110 years from that date to this Jefferson county has had but five other clerks. The present incumbent, S. M. Holtsinger, a genial and efficient gentleman, is the sixth to fill it. The site for this second court, the first ever held in what is now Jefferson county, was at the home formerly occupied by Z. Zirkle, near Shady Grove. It is located four miles west of Dandridge. A number of deeds were probated, roads located and overseers appointed, but poor records only exist of those early sessions.

Dandridge was selected as the county site at the January session of 1793, and that name bestowed upon it in commemorative honor of Martha Washington, whose maiden name was Dandridge. She married a Custis first, but afterward became the wife of George Washington. On the second Monday in May of that year the court met for the first time in Dandridge. It was here that John Sevier first made his appearance. Here also Samuel Mitchell, father of Judge Mitchell, of Iowa, and ancestor of many of that name now living in East Tennessee, was qualified as an attorney.

SURVEY OF TOWN.

"Wm. Small was made first town ferryman," says Alexander Hynds in an excellent sketch of Dandridge written several years ago, "and Abednago Inman, great-grandfather of John H. Inman, of New York, and Sam and H. T. Inman, of Atlanta, was foreman of the first grand jury held in Dandridge. The site of the town was conveyed by Francis Dean to the commissioners, the town surveyed and laid off into lots by Samuel Jack in 1793, the copy of the original survey and plat being owned by Mr. G. A. Fain and the three first lots recorded as sold were one each to John Crozier, Jacob Baker and James Hill. I am unable to give any history of these first lot owners, but 'beneath the locust's spreading shade' in the first church lot, in the very center of town, the foreman of the town's first grand jury, Abednago Inman, along with other forefathers, sleeps the dreamless sleep of death.

"Edward George, in November, 1795, opened the first ordinary or tavern in Dandridge, and the court fixed his rate of charges at 16 2-3 cents for breakfast and dinner; 12 1-2 cents for supper; lodging, 8 1-3 cents; brandy, per half pint, 12 1-2 cents; beer, per quart, 12 1-2 cents; cider, per drink, 12 1-2 cents. The first brick court house was a small building standing only a few feet from the upper corner of the present one; this stood for many years, until about 1843 or 1844. The county court made the late Judge Robert H. Hynds, chairman of a committee to let contracts and erect a new one. This was done, and the present convenient and substantial building, constructed after the plans of Judge Hynds, was finished about 1845-46. The brick of the first building now stands in the walls of the old Fain blacksmith shop."

An interesting fact in this connection is that, notwithstanding Dandridge had been selected as the county's capital in 1793, the establishment of the town was not authorized by the legislature until October 26, 1799.

The introduction of the act is as follows:

"An act to establish the town of Dandridge in Jefferson county: passed October 26, 1799: Whereas Francis Dean, of the county of Jefferson, in the year 1792, conveyed fifty acres of land to Alexander Outlaw, Hugh Kelsea, Jared Fitzgerald, Andrew Henderson and George Dougherty, as commissioners for erecting a court house, prison and stocks in and for said county, and whereas they have caused the said fifty acres to be laid out into a town by the name of Dandridge, and disposed of sundry of the lots, according to the intention of the donor, such action is hereby authorized."

Edward George was subsequently appointed an additional commissioner and James Doherty was appointed in lieu of Jared Fitzgerald, who had taken his departure.

HOUSES OF RELIGION.

The present Hopewell Presbyterian Church was established in 1785, but the records of the organization have been lost for many years.

What is regarded as the most valuable church record existing in the entire state is the chronicle of the Dandridge Bap-

tist Church, which is now in the hands of Alexander Hynds, who is the seventh clerk in the line since Charles Gentry was chosen the first. By this old record, which is worthy of a chapter to itself, it can be seen that the Dandridge Baptist Church was organized by Rev. Jonathan Mulkey and Isaac Barton on March 25, 1786, with twelve members. As stated, Charles Gentry was selected as first clerk, and there have been but six since, as shown by the same unbroken records. Rev. Isaac Barton was the grandfather of Judge R. M. Barton of the Court of Chancery Appeals. The old record is worthy of extended note.

The following inscription is upon the first page:

French Broad River
Church Book.

March the 25————1786.

Charles Gentry.

The second page contains the temporary inscription following, with the list of members as appended:

The Church of Christ on French Broad River—Constituted March 25—1786.

By Jonathan Mulkey and Isaac Barton

Being twelve in number, with their names, viz.:

Michael Coons.
James Randolph.
Henry Haggard.
John Cryder.
Wesley White.
Charles Gentry.
Rebecah Coons.
Margaret Smith.
Sarah Cryder.
Dolly Haggard.
Tabitha Gentry.

Appended to this list of members is this paragraph: "Concluded that our church meeting be the first Saturday in every month—Charles Gentry appointed clerk." This, the first volume of the minutes of the church, is but sixteen pages big,

each time-yellowed and age-dimmed. The pages are stripped together by a band of thin bear skin, and two pine boards, hewed out by hand, compose the covers. They are hinged together with a strap of bear skin, attached by hand-wrought nails.

BREACH OF PROMISE.

A little further along there are three or four pages devoted to a most curious breach-of-marriage promise. Edward Riggs was excommunicated for having thus deluded a daughter of Samuel Carson, and Carson himself was reproved for "having loosely allowed Riggs to have executed his purpose." Carson was the same who succeeded Charles Gentry and he clerked for a long time. Then his son-in-law, named James H. Carson, served. From August of 1880 Alexander Hynds has been clerk. This old chronicle shows that these early pioneer patriarchs were pure and simple in toil and ease, in work or conversation. They settled all controversial matters among themselves, as, for instance, this adjustment of a broken marriage vow. The race trouble was not a new one, even in that day, for in 1813 several Afro-Americans were expelled from the church for "insisting that they should eat at our first tables and sleep in our best beds when among the members of this church."

SECONDARY DEVELOPMENT.

After the establishment of these two churches Dandridge began to settle rapidly. One of the first merchants was Hugh Martin, whose small stock was hauled in ox carts overland from Baltimore. He was the father of Rev. Joseph H. Martin. John Fain, father of the late George Fain, was another. The first Shade Inman was another and S. W. Inman, who died about seven years ago in Atlanta, was another. Will Crookshanks, who died about the same time in Greenville, S. C., began business just as the war broke out.

CAPT. JAMES FULLER.

One of the old pioneers was Capt. James Fuller, a veteran of 1812. Upon his return from the front he became county court clerk. He died in the early 70's a very old man. Capt.

Fuller was an interesting character. When young he had attended the trial of Aaron Burr at Richmond, and so deeply did Wirt's closing argument, as he shouted "and who was Blennerhassett," impress itself upon his mind that he not only loved to describe the scene, but could do so, repeating all of Wirt's appeal without the loss of a word. To hear the trial Capt. Fuller hung over the top of the door, with his feet upon the same lock that had balanced Gen. Winfield Scott's, then a boy, at the preliminary hearing.

Documents Selected
from the
Secret Archives of the Vatican,
which
Testify to the Interest and Zeal of the Roman Pontiffs
in behalf of the
People of America, both Before and After the Discoveries of Columbus.

Printed from photographic plates. Twenty-five copies in the style of this one have been printed by the Vatican press for distribution among the more prominent libraries of the world. 1903.

Translated for the Tennessee Historical Society
by
Rev. John B. Morris.
[Continued from page 173.]

DEDICATION.

Dedicated to Leo XIII, Supreme Pontiff, who manifesting singular good will in acceding to the request made by the officials of the North American Republic, sent to Chicago in 1893 some famous specimens of Roman art, as well as photographic prints of certain documents, originally kept in the secret archives of the Vatican.

J. C. Heywood, an American citizen, Chamberlain of the Sword and Cloak, to his Holiness, to whom the officials of the Republic confided the duty of procuring the above mentioned treasure, gratefully and cheerfully offers this little gift.

CONCERNING THE BISHOPRIC OF GARDAR IN GREENLAND BETWEEN THE TWELFTH AND SIXTEENTH CENTURIES.

Letter I—February 13, 1206.

Innocent the III to the Archbishop of Drontheim and his canonically appointed successors forever:

While all priests have received the power of binding and loosing, and although one and the same command was given all to preach the gospel to every creature, yet there is a certain dignity and jurisdiction over the Lord's flock which belongs in a special manner to him to whom the Lord said: "Feed my sheep." He it was who received the first place among the apostles. To him the Lord gave a special precept to confirm his brethren that it might be known to all future generations that although many are ordained to govern the Church, one alone holds the chief power of governing and of judging. It is in this way that distinction of dignity is observed in the Church. Just as in the human body different members are ordained to different functions, so in the plan of the Church different persons are constituted in the several orders to fulfill its various ministries. Some are appointed to the care of single churches, others to rule over cities, others again have charge of provinces. All of these in their several stations hold the place of judges, and to them all disputes and difficulties must be referred for investigation. But over all these, like Noah in the ark, the Roman Pontiff is known to hold first place. He, by reason of the power conferred on the Prince of the Apostles, judges and disposes of all questions arising in the Universal Church; ceases not to confirm his children in the faith of Christ, taking care to conduct himself as one who seems to hear the voice of Christ saying: "And thou being once converted, confirm thy brethren."

Thus indeed have those apostolic men, the successors of Blessed Peter, who have risen up from time to time to govern the Apostolic See, endeavored with untiring zeal and earnestness to fulfill this duty, and being equally zealous and earnest in correcting those things which seemed to need cor-

rection, and establishing those things which the necessities of the times required. And so our predecessor, Pope Eugene, of happy memory, following in their footsteps, in accordance with the requirements of his office, manifested his solicitude for the kingdom of Norway; correcting abuses and spreading the faith of Christ; and what he himself could not perform, by reason of the claims of the Universal Church upon him, he did through his delegate, Nicholas, Bishop of Albano, afterwards chosen Roman Pontiff. He, undertaking a journey to those parts, as he had been ordered by his superior, loaned out the talent confided to him at interest, and like a faithful and prudent servant, exerted himself zealously to bring back the multiplied fruit. Among other things which he did there in praise of God's name, and in commendation of his own ministry, and in accordance with the commands of our above mentioned predecessor, that the Province of Norway should not longer be without the care of a Metropolitan, he conferred the Pallium on your predecessor John. He determined also that the City of Drontheim, which you govern, should be forever the Metropolitan City of that Province, and that it should have a suffragans the cities of Hammer, Astrolen, Bergen, Orkney Islands, Faroe Islands, Shetland, Iceland and Greenland, whose bishops should be subject to the Metropolitan of Drontheim and his successors for all time to come.

Lest, however, any one should attempt to violate this constitution we, guided by the example of our predecessors of happy memory, Eugene, Alexander and Clement, re-affirm it by our Apostolic authority and defend it by these present writings, decreeing anew that the City of Drontheim shall be the Metropolitan City of the above named Province, and that the Bishops of the Sees just mentioned shall be subject to and obey you and your successors in office forever, and that they shall receive consecration at your hands or at the hands of your successors, but you and your successors, however, shall receive consecration from the Roman Pontiff alone, and they shall be in all things subject to his authority and that of the Roman Church. The Pallium which has been conferred on you, as a mark of the plentitude of your Episcopal office, your fraternity will bear in mind may

be worn only during the solemn sacrifice of the Mass, within your province, on certain prescribed days, which are as follows: Easter, the Nativity of the Lord, Holy Thursday, Ascension, Pentecost, and on solemn feasts of the Mother of God, Blessed Mary Ever Virgin, the Birthday of Blessed Peter and Paul, on the Feast of the Finding and Exaltation of the Holy Cross, the Nativity of Blessed John the Baptist, of Blessed John the Evangelist, the Commemoration of All Saints, in the consecration of Bishops, in the blessing of Abbots, in the ordination of Priests, on the anniversary of the consecration of your Church, on the Feast of the Holy Trinity, the Feast of St. Olaf, and the anniversary of your own consecration. See to it, however, my brother, that having received in its fullness so great a dignity, you perform your duties in such manner that the ornaments of your office may conform to the goodness of your morals. Let your life be an example to those over whom you are placed that they may know what to do and what to avoid. Be ever discreet, clean in thought, pure in action, prudent in silence, instructive in word. Be solicitous to help those subject to you rather than merely to preside over them. Think not so much of the power with which you are invested, but rather consider that which becomes your position. Let not your life belie your doctrine; permit not your teaching to contradict your life. Remember that the art of arts is the government of souls. Above all observe zealously the decrees of the Apostolic See, and humbly obey the Church as your Mother. Behold dearest brother in Christ, some of the many things which men expect to find in one who wears the pallium, and is a priest. All of which you will be able to fulfill if you have charity, the mistress and queen of all virtues, and if you are within what you appear to be without. These things we decree forever. Given at Rome at St. Peter's by the hand of John, Cardinal Deacon of the Church of St. Mary in Cosmedian, Chancellor of the Holy Roman Church, the 13th of February, 1206, in the eighth year of the Pontificate of Pope Innocent III.

Letter II—December 4, 1276.

John the XXI to the Archbishop of Drontheim:

Your Fraternity having been explicitly directed by letters Apostolic to visit personally all parts of the Kingdom of Norway, for the purpose of collecting the tithes due the Holy Land, has informed us that this seems almost impossible, when it is taken into consideration that the Diocese of Gardar in Greenland is so remote from your Metropolitan See and Kingdom, that five years or more would be consumed in going thither and returning. You also stated that you had serious doubts whether you could transmit our mandate to that country within the time prescribed for the collection above mentioned. These things considered, you request the Apostolic See to provide some remedy in this case. Desiring therefore that this collection should be scrupulously attended to, it is our wish and our command that your Fraternity, taking for granted, of course, that what you say is true, should select some capable and trustworthy persons, the choice of whom we leave as a matter of conscience to you, and send them to those parts, with the instructions that they diligently look after and superintend the collection of the tithes. And we further direct you to provide for this matter in other ways as you may deem expedient. By zealously attending to this, you will merit a reward from the Lord, and greatly deserve the favor of the Apostolic See. Given at Viterbo, December 4th in the first year of our Pontificate.

Letter III.

The same to the same. By special letters Apostolic, your Fraternity has been entrusted with the collection of the tithes due the Holy Land in the Kingdom of Norway, and in these letters it is expressly stated that you shall visit all parts of the Kingdom in person. You have informed us that many of the Dioceses of the Kingdom are so vast in extent and so far separated from each other by great stretches of sea that it would require scarcely less than six years to visit them all personally, and in addition would entail immense expense upon your Church, inasmuch as you should frequently be compelled to consume five or even more days in passing through regions where houses do not exist, and it would be necessary to provide tents for yourself and companions; wherefore you have

prayed us to empower you to depute some discreet and reliable persons to take up the above mentioned collections in those distant Dioceses, the Apostolic mandate to the contrary notwithstanding. Wishing therefore to relieve you and your Church of such expense, and assuming that what you have stated is true, placing the burden of responsibility on your conscience, we have thought proper to grant you by these presents, the power requested to select proper Agents, as you have suggested, and depute them to proceed to those distant dioceses, there to collect the tithes due the Holy Land. Nevertheless we wish you to visit those Dioceses which you can visit without great inconvenience, and we urge you to be zealous in this matter that you may merit a reward from Him whose work you will be doing, and also our Apostolic favor. Given as above.

Letter IV.

To the same. You have informed us that in the Kingdom of Norway, where it is your duty to collect the tithes due the Holy Land, the money in current use is so worthless that outside the limits of the kingdom, it has no value whatever. You have also acquainted us with the fact that in some portions of the kingdom money does not exist, nor is corn or other kinds of grain produced. The people, you inform us, live on fish and milk foods alone, therefore you have asked what is to be done with the tithes thus collected. After due consideration the most practical solution of the matter, assuming what you say to be true, seems to be to dispose of the money and articles in question for gold and silver coin, whichever you may find the more convenient. Concerning nuns and other religious persons of the said kingdom, of whom you speak, whose means and income are so slight and meagre that they do not possess what suffices for their maintenance, but who must beg publicly and ask alms for their purpose, you will observe what has been fully declared heretofore regarding the matter of tithes.

Letter VI—January 31, 1279.

Nicholas the III to his venerable Brother, the Archbishop of Drontheim:

From a number of your letters recently received, we have gathered that the island (Greenland) on which the City of Gardar is situated because of the violence of the sea which surrounds it, is rarely ever visited by ships. Wherefore upon learning that some sailors were about to undertake a journey thither, you availed yourself of this opportunity to send a prudent man with those seamen, to whom you confided the duty of collecting the tithes, trusting that we might ratify your action. You likewise granted this person the faculty to absolve clerics from the sentence of excommunication incurred because of their failure to collect the tithes within the prescribed limit, and to dispense them from any irregularity, if perchance they might have incurred such censure, and you earnestly beseech us also to ratify your action in this matter. To your reasonable request, we cannot do otherwise than return a favorable answer. Desiring therefore to accede to your wishes, and to provide a salutary remedy for souls who might otherwise perish, we empower you to absolve the above mentioned clerics from excommunication and irregularly in accordance with the customary formula used by the Church in such cases. We likewise empower you to freely delegate others appointed by you or hereafter to be appointed, to exercise this same faculty in regard to the Clergy of the above mentioned and other islands under your jurisdiction. Given at Rome at St. Peter's Church in the second year of our Pontificate.

Letter VII—Nicholas III, June 9, 1279.

To Master Bertrand Almaricus: Recently we have been informed through your kindness that in the Cathedrals of Denmark and Sweden certain funds contributed by the pious faithful are set apart for the purpose of providing wine and altar bread to be used in the other Churches of those Kingdoms. You have asked if these offerings are to be taxed like other property for the tithes due the Holy Land. Commending your diligence, we gladly leave the matter to your discretion, stipulating, however, that if a large quantity of this bread and wine remain after due provision has been made for the Churches alluded to above, the tithes must be paid. If, however, it be found that little or nothing remains, we direct that the tax be

not imposed. This we do out of reverence for sacred worship and the sacrament of the Lord's body.

Letter VIII—Martin the IV, March the 4th, 1282.

To our venerable Brother, the Archbishop of Drontheim: You have informed us that the tithes collected for the Holy Land in Iceland and the Faroe Islands are paid in various articles, which cannot be exchanged for others more portable or converted into money, for which reason they cannot conveniently be sent to the Holy Land or the Apostolic See. You have further stated that in Greenland these tithes are wholly paid in oxen, seals' teeth, seal skin and whalebone, which, as you assert, cannot be marketed for anything like reasonable prices. Hence you have requested us to inform you what is to be done in the matter. In reply to your question, commending as we deem proper your zeal, which is highly deserving of recognition, we direct that the articles you mention collected in the above islands and Greenland be disposed of for gold and silver in the most convenient and most profitable manner possible. We further instruct you to transmit these and the other tithes collected throughout the Kingdom of Norway to us as soon as possible, stating what and how much you have forwarded. For the rest we have written to our beloved son, the King of Norway, praying him not to interfere or permit any one else to interfere with the removal of those tithes from his Kingdom, since he must remember that they are to be disposed of at our discretion for the benefit of the Holy Land. We have requested him also to revoke the prohibition intended to operate against the clergy, forbidding laymen to contribute money or silver to any one with the intention of permitting it to be sent out of the Kingdom.

Letter IX—Nicholas V, September 20, 1448.

Called by a command from on high to preside over all the Churches in the exercise of our Apostolic duty, with the Lord's help we employ all our solicitude in laboring for the salvation of souls redeemed by the precious blood of Christ, and we strive earnestly to restore to a state of peace and tranquillity, not only those who are frequently tossed about by the storms

of impiety and error, but also those who are involved in the hardships and whirlwinds of persecution. Profoundly impressed therefore with the responsibility of our position, it is not difficult to understand how our mind was filled with bitterness by the tearful lamentations which have reached our ears from our beloved children, the native and other inhabitants of the Island of Greenland, a region situated at the uttermost end of the earth. The island belonging to the Kingdom of Norway, and under the ecclesiastical jurisdiction of the Archbishop of Drontheim, received the faith of Christ almost six (6) centuries ago, through the piety of blessed King Olaf, and preserved it steadfastly and inviolably in accordance with tradition of the Roman Church, and the Apostolic See. After their conversion, the people of this island, with untiring and characteristic devotion, erected many temples to the worship of God and his saints, as well as a magnificent Cathedral, in which divine worship was diligently celebrated, until about thirty (30) years ago, when God permitting it, a barbarous and pagan fleet from neighboring shores invaded the island, laying waste the land with fire and sword, and destroying the sacred temples. Just nine (9) parish Churches were left standing. To these are attached, it is said, parishes of very great extent. These Churches are left intact, because being situated in the mountain fastnesses, they were inaccessible to the barbarian hordes, who, after completing their work of destruction, led captive to their shores the unfortunate inhabitants of both sexes, and more particularly those who seemed best able to bear the hardships of servitude and tyranny. But as the same complaint sets forth, many of these captives, after a time, returned to their native land. They set to work to rebuild their ruined homes, and were particularly desirous of restoring divine worship to its former splendor. Because, however, of their past calamities, as well as the added trials of famine and want, they had not wherewith to support priests or Bishop. They have been consequently during these thirty (30) years past without the comfort and ministry of Bishop or priest, unless some one of a very zealous disposition, and at long intervals, and in spite of danger from the raging sea, ventured to visit the island and minister to them in those

churches which the barbarians had left standing. Having acquainted us with this deplorable state of affairs, and knowing our paternal solicitude, they have supplicated us to come to their rescue in this their hour of spiritual need. Our hearts have been moved by the prayers of the people of Greenland, but not being sufficiently acquainted with the circumstances, we direct and command you, or either of you, beloved brothers, who as we understand are the Bishops living nearest to that island, to institute a diligent inquiry as to whether things are as they have been reported to us, and if you should find them so, and the number of people warrant it, and if they are in a condition to provide sufficiently, we command you or either of you, to send worthy priests who will minister to them, erect Churches, govern parishes, and administer the sacraments.

Moreover, if you or either of you should deem it expedient, and in this you will consult, of course, the Metropolitan, if his residence be not too far away from you, we empower you to select and consecrate a Bishop, having first required him to take the usual oath to us and the Roman See. Be mindful, however, that we burden your conscience with this work, and we grant you, or either of you, full authority to carry it out, even if there should exist any constitution of the Apostolic See, general councils, canonical or other statutes to the contrary.

Given at Rome as dated above in the second year of our Pontificate.

Letter X—Alexander VI, written in the first years of his Pontificate.

It has been reported to us that in the Diocese of Gardar in Greenland, situated at the confines of the known world, the inhabitants, because of the scarcity of bread, wine and oil, live for the most part on dried fish and milk products. Wherefore because of the difficulty of passing through such immense quantities of ice, and likewise because of the poverty of the land, and the scant means of living, ships rarely ever visit its shores. We have learned in fact that no vessel has touched there during the past eighty (80) years, and if a voyage be

made at all, it must be in the month of August, when the ice has broken up. On this account, during eighty years no Bishop or priest has resided personally among those people, and by reason of this, we are informed that many who were formerly Catholics have forgotten the faith of their baptism, and that no memory of the Christian religion is found, except a corporal, which is shown to the people once a year, and on which it is said the last priest who officiated there consecrated the body of Christ a hundred years ago. In consideration of these things, Innocent the III, our predecessor of happy memory, wishing to provide a proper pastor for those forlorn people, conferred with his brethren, of whom we were one, and elected Matthias, our venerable brother, a member of the Order of St. Benedict, as well as professed monk, at our suggestion, and while we were still in minor orders, to be Bishop of Gardar. This good man, fired with great zeal to recall those people from the way of error to the practice of their faith, is about to undertake this perilous voyage and laborious duty. We, on our part, therefore command, recognizing the pious and praiseworthy purpose of the same elect, and wishing to succor in some manner his poverty, which is very great indeed, command the officials of our chancery, as well as those of our palace, under pain of excommunication "Ipso facto" to be incurred that all Apostolic letters destined for the Church of Gardar, be written gratis for the glory of God alone, without exacting or charging any stipend; and we command the clergy and notaries of our palace to forward all letters to the above mentioned Bishop, without demanding any payment whatsoever for services rendered.

To him everything must be free, other things to the contrary notwithstanding.

Letter XI—Alexander VI, May 23rd, 1493.

To our illustrious and most beloved son and daughter, Ferdinand and Elizabeth (Isabella), Queen, of Castile, Leon, Aragon, Sicily and Grenada. Greeting:—

The work which is nearest our hearts, and most pleasing as we think to the Divine Majesty is the exaltation and propagation of the Catholic faith and Christian religion throughout

the world, to the end that barbarous nations may be subdued to the cross of Christ. Inspired by this feeling we had, scarcely by the divine favor and without any merit on our part, been elevated to the chair of Peter, when our thoughts turned towards you, now and always true Catholic sovereigns. That you are such, your distinguished deeds furnish ample testimony. You have not been satisfied with a mere desire to increase the kingdom of Christ, but you have spared neither effort nor zeal, nor industry, nor labor, nor expense, that your desire should be realized in fact. You have shunned no danger, not even the shedding of your own blood in so worthy a cause. The truth of this is strikingly portrayed in the zeal and earnestness with which you set about redeeming the Kingdom of Grenada from the tyranny of the Saracens, with what success and glory to the Divine name, the result clearly shows. In justice therefore to you, we feel bound to acknowledge that you are truly worthy of the name "Catholic Sovereigns," since you have done so much to promote the honor of God, and the propagation of the Christian faith. We have heard with pleasure that for a long time you have entertained the idea of exploring and discovering distant lands hitherto unknown to the world, with a laudable purpose of bringing their inhabitants to the worship of the Redeemer, and the profession of the Catholic faith. But much as you cherished this holy thought, you could not realize it since all your efforts were centered in the conqnest and restoration of the kingdom of Grenada. But at last, when in God's time, you had entered into possession of that Kingdom, still harboring the idea above mentioned, and earnestly wishing to make it a reality, you sent our beloved son, Christopher Columbus, with ships and men not indeed without great labor and danger to him and his followers, but also with immense expense to the state, to seek those remote countries you had dreamed of. Finally, by the divine assistance, Christopher Columbus, sailing directly toward the West, in the direction of India, as it is said, discovered certain islands and lands hitherto unknown. He found there also, it is reported, peoples living in a state of nudity, eating no flesh, and, as he relates, believing in the existence of a Creator of the universe. He found in them also, as he thought, a disposi-

tion to embrace the Christian faith, and an aptitude for Christian morality. He is of the opinion that if properly instructed, they might easily be Christianized. Columbus also reports that he has caused a fortress to be erected on one of the principal islands, where he and certain of his followers may reside in safety, while others go out in search of land yet undiscovered. We are informed also that gold, aromatic spices and other precious things, varying in quality and quantity, are found in those islands. In consideration of these discoveries, seeking always and all things the exaltation and propagation of the Catholic faith, as becomes true Catholic Sovereigns, and as you have inherited from your ancestors, you propose to subdue those people, also, with the help of God to that same faith. We therefore commend, in the name of God, your worthy project, and we desire to see it brought to a happy issue. That it may be so we exhort you in the name of our Saviour, and by the baptism you have received, which impels you to obey the Apostolic commands, and by the bowels of the mercy of Jesus Christ, to hasten this work in your zeal for the orthodox faith, regardless of danger and difficulty, fortified by a firm hope and abiding faith in God, that thus you may bring those peoples to profess the Christian religion, and may the omnipotent God bless your endeavors with a happy issue. Moreover that you may more freely and courageously undertake this enterprise, of our own accord, without the solicitation of any one, and with complete knowledge of the consequence of our act, as well as in the fullness of our Apostolic power, we give, grant and convey those recently discovered lands, together with others to be discovered in future by your sailors, and which are not, be it understood, under the dominion at present of any other Christian prince, and in the name of the omnipotent God, whose Vicar on earth we are, to you, your heirs and successors forever. And further we give, grant and assign to you, your heirs and successors forever, all titles of dominion in those lands, towns, fortresses and hamlets, etc., with the rights and jurisdiction thereunto belonging.

We invest you, your heirs and successors with full and complete power over them, together with all jurisdiction and authority, with the proviso, however, that these grants, dona-

tions and concessions may not be understood to interfere with or displace the rights of any other Christian Prince. And we also command you in virtue of holy obedience to keep the promises you have made us, although we doubt not that your piety and kingly magnanimity will inspire you to fulfill these faithfully. In accordance with these promises, it becomes your duty to send out learned, honest, tactful and God-fearing men as missionaries to those islands, whose duty it will be to instruct the inhabitants in the Catholic faith, and train them in the practice of good morals. We exhort you to all diligence in this matter, and we forbid any one, whatsoever be his dignity, state, degree, order or condition, under pain of excommunication ipse facto to be incurred, should our prohibition be transgressed, to visit those lands already discovered or to be discovered in the future by your explorers for commerce or for any other purpose, unless by your expressed permission. And again, inasmuch as several of the Kings of Portugal, in virtue of a grant made to them by the Apostolic See, have discovered and taken possession of lands in Africa, Guinea and the Gold Coast, as well as islands elsewhere, which have been ceded to them by the Apostolic See, together with certain privileges, favors, liberties, immunities, exemptions, permissions and indults, we likewise decree in the same manner and measure that you, your heirs and successors, shall freely and lawfully use, possess and enjoy the same privileges, favors, exemptions, liberties, immunities and permissions in the lands which you have discovered and shall hereafter discover, in the same manner and measure as the above enumerated privileges are enjoyed and possessed by the said kings of Portugal. And you shall possess these rights as fully and freely as it we had enumerated them verbatim, nor shall any one controvene them under pretense of misunderstanding their import.

Trusting in Him who holds all empires in the hollow of his hand, and from whom all government proceeds we pray that you may be able to carry on your laudable enterprise with honor to the whole Christian world, and bring it to a happy issue. Since, however, it is not convenient to forward these present letters to every place and person to whom they should be sent, we decree that some notary public shall make copies

of them and that these shall be signed and sealed by one constituted in ecclesiastical dignity or a member of our curia, and we further decree that the copies thus signed and sealed shall have everywhere and with every one the same authority as these presents.

Given at Rome in the first year of our Pontificate.

7

ROBERT HENRY HYNDS.

Near the close of the last century but one, a sturdy pioneer bearing the name of Hynds came to the Watauga country and settled near the present line between the counties of Greene and Cocke. Hynds was a Scotchman. His original family name was Hyndford and its home Edinburgh, of which Hyndford Close is a well known locality. The Scottish Reformation dissevered the family, some adhering to the old faith and some dissenting. The Presbyterian Hyndfords were among that great company of people who regenerated the north of Ireland. In order to distinguish themselves from the Catholic branch of the family they adopted the name of Hynds. The founders of the American branch crossed the ocean prior to 1775 and were honorably represented in the Continental army.

Here in the Watauga country Robert Henry Hynds was born on April 6, 1802. He passed his early years in hard toil, as the family was poor. When he was about fifteen years of age his father removed to West Tennessee, but Robert Henry Hynds remained. From a diploma now hanging upon the wall of the Dandridge home of his son, Alexander Hynds, it appears that he graduated on September 10, 1819, at Union Seminary. It was evidently to complete his education that young Hynds remained behind.

Where Union Seminary was located it is hard to say with certainty. It was one of the ambitious, but evanescent, seats of learning that at that time abounded in East Tennessee.

Four years later, on April 8, 1823, Robert Henry Hynds was licensed to practice law at Rogersville. He had spent the four intervening years reading under William B. Reese. Then he located at Dandridge, riding a circuit that extended over half the length and breadth of East Tennessee. He was very proficient in land law. In 1836 he served in the legislature as senator from Cocke, Blount, Sevier and Jefferson counties. He was an unsuccessful candidate for chancellor against

Thomas L. Williams. In 1852 Governor Campbell appointed him special circuit judge during the disability of Judge Robert Anderson of the twelfth circuit, and Judge Hynds served acceptably for a year. In 1853 he was elected judge of the twelfth circuit by the unanimous vote of the legislature. In 1854 the amendment to the constitution, giving the election of the judiciary to the people, having gone into effect, he was elected over Judge Anderson. Being a learned jurist and an eloquent advocate, a thoroughly upright and conscientious man, he gave great satisfaction as a judge. In person Judge Hynds was large and portly. Possessed of congenial disposition and of fine address, his charitableness and hospitality were proverbial.

In politics he was a Whig. He served as a Clay elector in 1844. His high regard for the dignity of the bench held him aloof from politics while he was in judicial office, however.

To Miss Mary Jane Moore, of Jefferson county, he was married in 1826. She died in 1850. In November of 1851 he consummated his second marriage to Miss Ann B. Swann, an English girl, who survived him and died in 1892. She graduated at Holyoke Seminary under Mary Lyons, the founder of the institution, and came to Dandridge to accept the principalship of Maury Academy, where for many years she taught. Some of her former pupils, such as the Inmans and Branners, are among the foremost men of to-day. The children of the first union were numerous, and they are now the representative citizens of West Tennessee, Georgia and Texas.

ALEXANDER HYNDS.

The only child of the second marriage was Alexander Hynds, who is now a leading lawyer of Dandridge. However, though he has practiced law among the foremost for over twenty years, yet it was done merely to amass a competence that he might further pursue his studies. He is a man of fine literary attainments and one whose name is familiar to the readers of the state press and those of the *Century Magazine*. Alexander Hynds has a fine library, one of the finest in the state in regard to Tennesseiana, on which subject he is better posted, perhaps, than upon another. His preparatory education was obtained at Maury Academy and it was completed by a three

years' course at the University of Tennessee. For two years he studied law under Judge J. P. Swann, and in March of 1878 he was admitted to the bar.

DAVID CROCKETT'S RIFLE.

Among some of the relics which Alexander Hynds has collected in his researches of Tennessee history is the first rifle Col. David Crockett ever owned. It is a long-barreled, big-bored, finely-mounted flintlock, which Crockett gave to George Kennedy in part payment for a horse shortly after he was married to Polly Findley. Kennedy sold it to James McCustian, who left it to his son, Maj. S. S. McCustian, who died very suddenly in 1893. Hynds obtained it from Major McCustian's estate.

CROCKETT JILTED.

Oftentimes a single unknown fact or incident by its discovery pays the searcher for weeks of work and study. Such is the character of the following episode in David Crockett's life:

'Twas a bright day of the Indian summer of 1805. A young man, just slightly more than nineteen years of age, came over the hills from the North into Dandridge. He was a tall, sunburned stripling, wiry and muscular looking, clad in homespun trousers and fringed leggings and hunting shirt of Indian make. Over his shoulder was thrown a long-barreled rifle. The first man he met he asked the direction to the county clerk's office. There he obtained the following instrument:

"State of Tennessee—Jefferson County:

To any licensed minister of the gospel or justice of the peace—Greeting:

"I do authorize and empower you to celebrate the rite of marriage between David Crockett and Margaret Elder and join them together as husband and wife. Given at office in Dandridge, the 21st day of October, 1805, J. Hamilton, clerk."

The young man was David Crockett. He lived about eight miles above town, toward Morristown, where his father owned a large farm. Nearby was a tavern, at which the passing stage always outspanned for dinner. This tavern was managed by a man named Elder. He had two daughters, and it was with one of them, Margaret, that David Crockett became engaged.

Imagine a tall, buxom lass, with cherry-bitten cheeks and luscious lips, mischievous eyes, and hands doubly accustomed to handling the spinning wheel or rifle trigger. Just such a girl must have been the one the great Pathfinder fell in love with. But their marriage was never consummated. David started homeward. When he arrived there, however, his bright dreams were rudely dissipated, for it was Margaret Elder's weeping sister who met him at the door to tell him, as she burst out crying, that—

"Maggie is deceiving you. She don't love you, and now you have had your walk for nothing."

David's heart was broken. That did not last long, however, and in August of 1806 David Crockett married Polly Findly, a girl known throughout the borderlands for her beauty and winsome disposition. The original license for this union of David Crockett and Polly Findly I saw hanging upon the wall of the court house at Dandridge.

LATTER DAY LAWYERS.

Not less distinguished than the pioneer disciples of Blackstone were those of a later day. Among them Hugh Lawson White, Spencer Clack, Thos. L. Williams, Seth J. W. Lucky, Thomas Amos Rogers Nelson, Gray Grarette and Thomas D. Arnold were all leaders of the bar of their day whose voices have often resounded in sonorous appeal or eloquent pleading in the old court house there. Robert McFarland, R. M. Barton and W. M. Bradford, each a late prominent member of the state judiciary, men once residents of Dandridge. Hon. Reese B. Brabson, ante-bellum attorney-general and a member of Congress from the Third District, was a student in old Maury Academy one-half a century ago. He studied law under Judge R. A. Hynds, located in Chattanooga; was elected prosecuting attorney for the circuit, and when he died, in 1863 at his home in that city, he was serving as Congressman.

OTHER PROFESSIONS.

To the professional population of Knoxville Dandridge has contributed no little share. To the medical line it has given Doctors Gass, Coile, Hood, Carmichael, Cawood, Carr, Henderson and T. A. West. To the bar have gone Judge J. M.

Meek, the late Col. Jno. W. Yoe, Jno. N. Moore and Hon. Jesse L. Rogers, the latter of whom was the last mayor of the historic city.

OTHER PROMINENT PEOPLE.

Chancellor Chas. F. Keith, who afterwards gained such eminence as a jurist, was an early citizen of the town. He built the mansion there known as the Caswell Place. Gen. William P. Caswell was a Dandridge man. The Harris family, headed by William and Temple, is quite a prominent tribe. The Hamiltons were a very old family. Joseph Hamilton was the first clerk of the county, and his son of the same name succeeded him.

Ralph Petty Quarles, chief justice of the state of Idaho, and the eldest son of James Quarles, of Paducah, was educated at Maury Academy. Gen. James C. Vaughn was once a resident.

THE INMANS.

Another family closely identified with Dandridge is that of the Inmans, the great cotton dealers and capitalists. Hugh, John H., now dead, and Sam Martin Inman were all born and reared a few miles below town, on a large farm owned by their wealthy father.

Parmenas Taylor Tunley, who is to-day the oldest living graduate of West Point, was born in an old house opposite the court house, which is still standing. At the advanced age of eighty-two he is now living at his home in Illinois, just about thirty miles west of Chicago.

Old Col. John Roper was another character unique to Dandridge. The Roper Tavern, as it was formerly called, is one of the landmarks of that section. In its day it was a noted resort and stopping place on the stage line from Knoxville to Washington. Among its old-time guests were numbered such distinguished characters as Andrew Jackson, James Knox Polk, Balie Peyton, Felix Grundy, W. G. Brownlow, Sam Houston and the Great Commoner—Andrew Johnson.

S. M. PROVINCE.

Rev. S. M. Province, D.D., was an eminent Baptist divine of the South, who, for a long while, was pastor of the leading

Baptist church at Tallahassee. Recently he has removed to Montgomery to become associate editor of the *Alabama Baptist*. He is a native of Dandridge.

JOSEPH H. MARTIN.

Rev. Joseph H. Martin, one of the finest characters this state has ever produced, was born and reared just below the Inman home. The date of his birth is August 11, 1825. He was educated at Maury Academy, though he afterwards completed it by a collegiate degree.

THE FIRST PHYSICIAN.

Back yonder in the fag-end of the eighteenth century, as the little hamlet grew, a physician became needed. Dr. William Moore was the first to respond. He was a young man who had been but shortly married to Miss Cassia Paxton; the young couple traveled horseback from Rockbridge County, Virginia, to Dandridge. A little pickaninny rode behind each and beneath each one of them was a long tow sack containing all of their worldly goods, except those upon their back. Dr. Moore constructed a large square log cabin, behind which he fenced in a large deer park, adjacent to the site of the present Odd Fellows' Hall. Up to 1839 Dr. Moore practically did all of the medical practicing of that section. He died of a congestive chill in the latter year. He left two daughters, Mary J. Wilkes Moore and Hannah; the first became the first wife of Judge Robert Henry Hynds, and the second the wife of Dr. Thomas Anderson, who removed to Middle Tennessee.

HOUSTON'S QUEER BED.

Dr. Moore was a close friend of Sam Houston, and it was from some of the stories told by him about Houston that I gathered substantiating data for my theory that it was Sam Houston's wounds which primarily caused the separation between him and his wife. Dr. Moore has been dead a long time, but his stories of Sam Houston have been carefully transmitted. Every time Sam Houston passed

through this section of the country on his way either to or from Washington he would stop at Dr. Moore's. He was always accompanied by a negro body-servant, and this fellow's chief duty was to have charge of two great buffalo robes and a blanket, which Sam Houston always carried with him. Houston would never sleep in a bed. If asked about it he would jocosely reply that it was because he was "hardened to a rougher lying place." That was not his real reason, though. It is a fact that the wound in his shoulder, which Sam Houston received at the battle of Tohopeka never healed, and that was what prevented him from sleeping in a white linen bed. He was afraid the wound would reopen, as it frequently did, and the blood would flow over all the clothing. So in winter he would roll up in his robes close to the fire and in summer he would lie in the middle of the room, sleeping as soundly as if he was on a feather bed.

HOUSTON'S NEW SUIT.

While the boyish Sam Houston was working in a blacksmithy in Blount County he concluded he wanted to return to Nashville, his former home, and he started at once. Houston never hesitated when he though he was right. As he passed through Jefferson County he stopped at Dandridge. Now this is the story of how Dr. Moore and Sam Houston got acquainted. The good wife of Dr. Moore was taken aback at the sorry appearance of the soiled and travel-stained boy. When he told her he was on his way back to visit his dignified relations, the Paxtons, Moffetts and Steeles, she expostulated, insisting he was in no plight to see them, and advising him to return home. He positively refused. Mrs. Moore was own cousin to Sam Houston, so she kindly prevailed on him to tarry until she could complete a web of jeans then on the loom and make him a pair of pants, if not a suit. He promised to do so, and on receiving and donning the new suit, his fancy was so mightily taken with them that he must, forsooth, return to Maryville to show them to his mother and the other children. 'Twas Fortune which impelled Sam Houston not to make the trip to Nashville. Mayhap if he had some of his richer cousins would have induced him to abide with them.

But no! He returned to Maryville to show his mother, brother and sisters his new suit of clothes, enlisted as a soldier, planted his foot upon the Ladder of Fame at the battle of the Horseshoe, and from thence his ascension was rapid, until, well earned by him, became the title—"Father of Texas."

MAURY ACADEMY.

One of the most venerable institutions, born of the spiritual and intellectual needs of the early settlers, in the state of Tennessee, is Maury Academy. It preserves proudly the distinction of being one of the two educational institutions in the state which still possesses intact the fund set apart by the Legislature from the sales of public lands. The other is McMinn Academy at Rogersville.* Maury Academy is an incorporated, endowed institution, controlled by a board of trustees, elected by the county court of Jefferson. It has for its object the thorough, non-partisan and non-sectarian preparation of young men and women for college or university work. By the state act passed on September 13, 1806, its organization was authorized. George Doherty, Adam Peck, Thomas Galbraith, Parmenas Taylor, grandfather of Parmenas Taylor Tunley, and Thomas Snoddy were named trustees. Later William Mills and Joseph Hamilton were added. Finally, after having opened school in an old log hut for several years, a fine brick building was erected in 1819, and the institution entered upon the tenure of its work as Maury Academy. It is now in its second brick building, erected in 1884.

FORGOTTEN PRINCIPALS.

The present president of Maury Academy is Joseph E. Bell, an accomplished scholar and an experienced educator. But very little seems to be known of the earlier officials. Andrew Lanning was one of the pioneer principals, and another was Hon. Alonzo Blizzard, of Athens, who recently died. Another old principal, who came to Dandridge in early manhood from New York, was F. F. Atwell. He taught here for a number of years, thence removed to Knoxville, where his death oc-

*Robertson Academy in Davidson County is another.

curred. But with these three exceptions, and they are limited, not one of the older principals of the institution is remembered.

From the halls of Maury Academy have gone hundreds of pupils, scattered from Maine to the Philippine Islands, and many of them have achieved distinction.

JOHN CASPER BRANNER.

One of the most prominent of those living is John Casper Branner, brother of H. Bryan Branner, of Knoxville. He is now vice president and acting president of Leland Stanford University in California, ranking as one of the foremost educators in the world. He was born in New Market in 1851, of M. T. and Elsie Branner; she was one of a large family of sisters, the only one of whom now living in Jefferson County is Mrs. Capt. J. C. Johnson. John Casper Branner studied in Maury Academy until after the close of the war under Prof. Henry Pomeroy; after his graduation he went to Cornell University, and gained his degree as Bachelor of Sciences there. Early in the '70's he went to Brazil to study the insectivora injurious to the cotton plant, as a member of a national survey. He returned to America to make an extensive examination of the vascular fibres of the palm with Thomas A. Edison, while he was trying to perfect the incandescent light. Since he has been state geologist of Pennsylvania and Arkansas, and thence went to Leland Stanford University as professor of geology. He has a sweet wife, a cultured and polished Pennsylvania girl, and has a family of bright children. He is a tall, broad-shouldered, heavily-framed man of dignified bearing, but there is not an ounce of affectation about him. His library on geology and kindred subjects is the second in size and value in America, and he himself is America's leading geologist.

INCORPORATION OF TOWN.

Dandridge was incorporated about sixty years ago, but it did not retain its corporate existence long. An act was passed by the General Assembly of the state on October 26, 1843, authorizing its incorporation. An interesting coincidence can be noted in this connection. It was October 26, 1843, that the incorporation of the town was authorized. Just forty-four years previous to that time, on exactly the same day, October

26, 1799, the town was established by law. The act provided that the sheriff of the county should hold an election on the first Saturday in January, 1844, to elect seven aldermen, who should elect a mayor, but no record of that election is obtainable. On account of the protection to be gained from the liquor traffic by such action the charter of Dandridge was annulled some years ago, Hon. Jesse L. Rogers, of Knoxville, having been its last mayor.

THE CIVIL WAR.

Jefferson County, as did every other county in Tennessee, became the battle ground for opposing hosts of the Blue and the Gray in the early '60's, when the great war broke out.

In the winter of 1863 the ragged and footsore veterans of the Lost Cause under Gen. Longstreet drove Gen. Sturgis and his division of 25,000 hard-fighting Federals out of Dandridge and rolled them back upon Burnside at Knoxville.

But since that day little indeed has occurred to stir the quaint little burg nestled among the hills in the heart of Jefferson. Dandridge is located on the north bank of the beautiful French Broad river, near the heart of the county, of which it is the capital. The site is elevated, making it one of the most beautiful towns in East Tennessee. From almost any part of the town a most excellent view can be had of the great chain of mountains dividing Tennessee and North Carolina. No better agricultural land can be found than the fertile river bottoms at and near Dandridge. It is connected by a well managed hack-line with Jefferson City, its most convenient railway station, ten miles away on the Southern Railway.

PLACE OF PROMISE.

In its early days Dandridge was regarded as a place of much promise, being located on the river, on the main stage road and in the center of such a fertile country. But, with the construction of the Southern Railway in 1856-57 along the northern end of the county, a distance of forty miles, and the subsequent upbuilding of Morristown, Jefferson City and New Market, much of the thrift and enterprise which might have centered there drifted in that direction.

Still Dandridge has excellent churches, excellent schools, good business men and good social advantages, and has, above all, that beauty of age and time which it is rightly entitled to; which it has better retained than any other town in the state, and which gives to it an attractiveness to the student, either of the affairs of to-day or the chronicles of yesterday, which is excelled by none.

EDITORIAL.

THE CREEK WAR.

We publish in this issue a number of documents relating to the Creek war. It is our purpose to follow them with others. The period of the Creek war is one of the most interesting and heroic, as well as the most important in the history of Tennessee. It brought into national prominence the great military and civic leader, Andrew Jackson. And it brought under the magic influence of his personality a body of militia composed of the most ambitious and most daring citizens of Tennessee. These men made Tennessee the dominant state in the union for more than a quarter of a century.

The part taken by Tennessee and Tennesseans in this war has never been adequately understood. In the first place the legislative journals of the session of 1813 have been destroyed, even the original manuscript in the Secretary of State's office. The prompt and patriotic action taken by the legislature is disclosed in the Acts of 1813, but the individual effort, as well as unanimity of sentiment in that body, would hardly appear outside of its journals. Still some interesting legislative documents, such as those we are publishing, have been preserved. We would be glad to publish the muster rolls of the companies whose services were accepted by the state, as well as any private letters bearing on the events of the war. If any of our readers have such documents we hope they will allow us to give them publication in our columns.

THE GULF STATES HISTORICAL MAGAZINE.

The State of Alabama has taken an advanced step in the establishment of a Department of Archives and History, and making a liberal appropriation for the maintenance of the same. The objects of the department are the care and custody of the state archives, collection of material bearing on the his-

tory of the state, publication of official records and other historical materials, and the encouragement of research and the diffusion of knowledge with reference to the history and resources of the state.

The department is under the immediate charge of Thomas M. Owens, who has been elected director by the board of trustees. The director is an enthusiastic antiquarian, an able historian, and an energetic and persistent worker. Circular No. 1 of the department shows that the director has laid out his work in a most intelligent, orderly and comprehensive manner, and the State of Alabama is to be congratulated upon the organization of this timely movement, especially by Tennessee, in which there is not a complete file of the publications of any department of the State.

Mr. Owen now announces that, in connection with Joel Campbell DuBose, he will begin the publication, about July 1, of a bi-monthly journal to be known as "The Gulf States Historical Magazine," to be devoted to history, literature and criticism, with especial reference to the Gulf States and adjacent territory. It is not intended to interfere with local work, but rather to stimulate it, and will be welcomed by every one interested in the history of the South.

TENNESSEE HISTORICAL SOCIETY.

PRESIDENT:

Judge John M. Lea.

VICE PRESIDENTS:

Col. William A. Henderson, Gen. Gates P. Thruston, Gov. James D. Porter.

SECRETARY:

A. V. Goodpasture.

CORRESPONDING SECRETARY:

Robert T. Quarles.

TREASURER:

Joseph S. Carels.

LIBRARIAN:

Joseph S. Carels.

STANDING COMMITTEES:

Membership—W. R. Garrett, chairman; J. A. Cartwright, J. P. Hunter.

Finance—Edgar Jones, chairman; W. S. Settle, C. H. Eastman.

Addresses—Robert Lusk, chairman; John C. Brown, John H. DeWitt.

History and Biography—A. V. Goodpasture, chairman; John Allison, F. W. Moore.

Museum—Theodore Cooley, chairman; John M. Bass, R. R. Freeman.

SPECIAL COMMITTEE:

Publication—Dr. W. R. Garrett, chairman; Dr. R. L. C. White, John M. Bass.

[MEMORANDA OF THE TRANSACTIONS OF THE SOCIETY.]

Tuesday, April 8, 1902.

The Society met as above. Present: James D. Porter, Vice President, presiding; G. P. Thruston, Vice President; R. L. C. White, Secretary; R. T. Quarles, Corresponding Secretary; J. S. Carels, Treasurer, and a number of members and visitors.

The records of the last meeting were read and approved.

Mr. H. F. Beaumont, of Knoxville, was elected an active member of the Society.

After disposing of the financial matters brought before the Society, the list of donations was read.

Gen. G. P. Thruston delivered an oral address on "History and art, ancient and modern, as illustrated by coins and medals." On motion of Col. Killebrew, the thanks of the Society were tendered to Gen. Thruston.

The following communication was read:

Lealand, April 4, 1902.

To the Members of the Tennessee Historical Society:

The condition of my health prevents attendance at the regular meetings of the Society, and I therefore request that, at the next meeting for the election of officers, my name be not presented for any official position. The Society has labored diligently and faithfully to rescue from oblivion and preserve all facts, incidents and events, civil, military and political, which should be embodied in the history of the state. Though not hereafter having any official connection with the Society, I yet retain membership, and I embrace the opportunity to express regard and friendship for each and every one of my fellow-members. Association with them will be a pleasant memory; kind feeling and courtesy prevailed in all our deliberations; and, indeed, it is not going too far to say that our meetings confirmed the truth of the exclamation of the psalmist, "Behold, how good and how pleasant it is for brethren to dwell together in unity."

Very truly,

JOHN M. LEA.

The acting President directed the Secretary to notify Judge Lea that, while he would be relieved of the active discharge of the office of President, the Society would insist that he continue to occupy that position during the remainder of his life.

The Society then adjourned.

Tuesday, May 13, 1902.

The Society met as above. Present: James D. Porter, Vice President, presiding; G. P. Thruston, Vice President; R. L. C. White, Secretary; R. T. Quarles, Corresponding Secretary; J. S. Carels, Treasurer.

The records of the April meeting were read and approved.

The annual report of the Treasurer was read, and referred to the committee on finance, with instructions to report thereon at the June meeting.

Mrs. John W. Morton was elected an active member of the Society.

The financial business of the Society having been disposed of, Rev. J. P. Farrelly, of Rome, Italy, was introduced and briefly addressed the Society. The donations to the Society were then announced.

Mr. Cooley, for the art committee, made an oral report. He stated that one set of the photographs of the oil paintings belonging to the Society was in his possession; and, at his suggestion, the other set was directed to be deposited with the Union Bank and Trust Company. Mr. Cooley also stated that Mr. R. T. Quarles had completed a catalogue of the articles in the museum.

On motion of Mr. Cunningham, the Secretary was instructed to address a communication to each member of the Society, as well as to the families of deceased members, asking that a cabinet photograph of each member be furnished the Society.

On motion of Mr. Cunningham, the Society resolved to lend one of the portraits of John Sevier in its possession to the State Library, the receipt of the State Librarian to be taken, and the portrait to be subject to recall at the option of the Society.

The annual election of officers was then held. The old officers were all re-elected except the Secretary. Dr. White having declined to stand for re-election to that office, A. V. Goodpasture was elected as his successor.

The Society then adjourned.

Tuesday, June 10, 1902.

The Society met pursuant to adjournment. Present: Vice President G. P. Thruston, Secretary A. V. Goodpasture, Corresponding Secretary R. T. Quarles, Treasurer Jos. S. Carels, and a small number of members.

On motion of Gen. Thruston, Col. A. S. Colyar was called to the chair.

The records of the May meeting were read and approved.

R. T. Quarles reported that he had delivered the Society's portrait of Gov. Sevier, painted by Cooper, to the State Library, taking the receipt of the Governor and State Librarian for the same, in accordance with the direction of the Society.

A number of bills were approved and ordered paid.

On motion of Gen. Thruston, the Corresponding Secretary was authorized to have blanks printed for the use of his office.

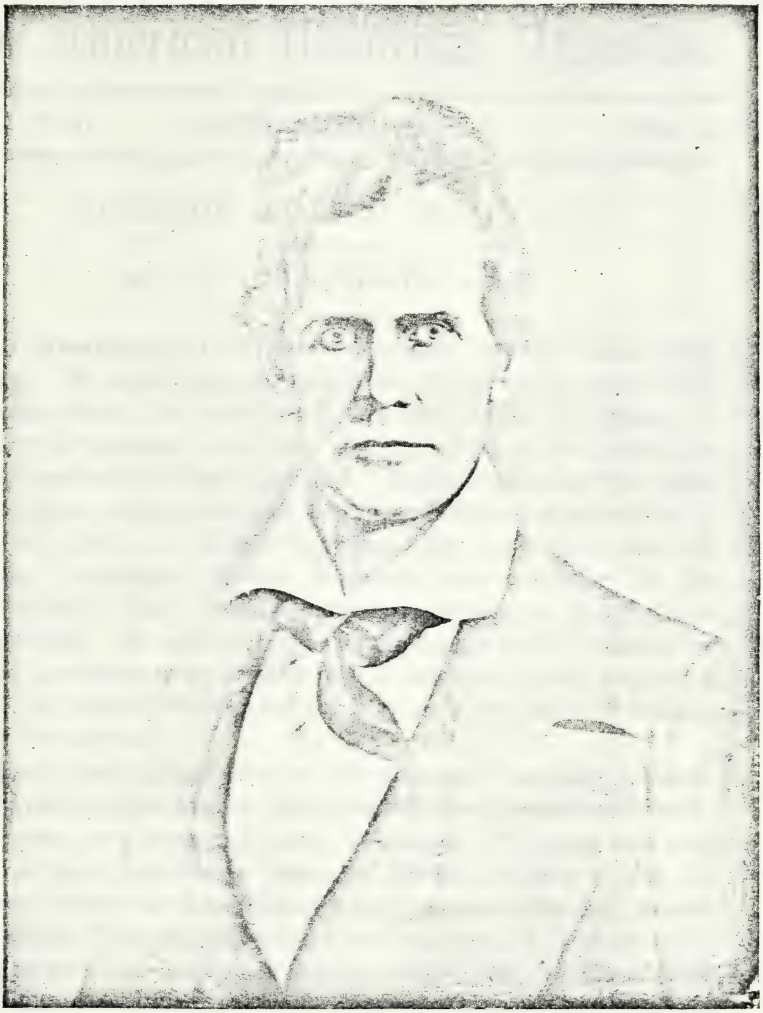
On motion of Mr. Carels, the acting president appointed a committee on by-laws, consisting of Jos. S. Carels, R. T. Quarles and A. V. Goodpasture.

Holmes Baldwin Strayer, of Hopkinsville, Ky., was, on motion of R. T. Quarles, elected a corresponding member of the Society.

The list of donations was then read.

Capt. W. R. Garrett then gave the Society an interesting account of the mutiny of the Eleventh Tennessee regiment of cavalry under Gen. Forrest, at Spring Hill.

On motion of Mr. Carels, the Society adjourned until the second Tuesday in October, 1902.



GOVERNOR WM. TROUSDALE.

[From a painting by W. B. Cooper, in the Tennessee Historical Society.]

The American Historical Magazine.

VOL. VII. OCTOBER, 1902. No. 4.

GOVERNOR WILLIAM TROUSDALE.

BY B. F. ALLEN, GALLATIN, TENN.

The grandfather of William Trousdale was of Scotch-Irish descent. He came from Ireland about the year 1735 and settled in Pennsylvania, in which State his son James (the father of William Trousdale), was born in 1736. In a few years the family removed to North Carolina. James Trousdale was twice married; his second wife was Elizabeth Dobbins, a member of a prominent family in North Carolina. She was the mother of William Trousdale. James Trousdale was a soldier in the Revolutionary War. He commanded a company of North Carolina patriots. He was severely wounded, and until his death he carried a scar made by a sabre in the hands of one of Tarleton's men. He served throughout the war and was with Washington at Yorktown.

Captain James Trousdale in 1784 obtained from North Carolina a grant for 640 acres of land situated in what was then Davidson County, now Sumner County, Tennessee. This land was paid for in scrip or certificates issued by North Carolina to him for services in the war for independence. James Trousdale moved from North Carolina and settled on this tract of land in 1796. The land was then covered by a dense forest. Here he cleared land and began to cultivate the soil. But, on the 6th of November, 1801, the Legislature of Tennessee appointed commissioners to select and purchase land upon which to lay out a town to be named Gallatin, which was to be the county seat of Sumner County. The commissioners selected the farm of Captain James Trousdale, and the town of Gallatin now stands upon the old Trousdale farm.

Captain James Trousdale left a large family. One son (James the 2nd) moved to Illinois at an early date. One named Robert moved to St. Mary's Parish, Louisiana. The descendants of another son went to Indiana. Captain Matthew Cowan married Katie, a daughter of Captain James Trousdale. Captain Cowan lived in Putnam County, Tennessee, and he has descendants in Smith, Jackson and Putnam Counties, Tennessee.

Captain James Trousdale's youngest son was Bryson Trousdale, the father of Colonel Leon Trousdale and of Mrs. Susan Anderson, wife of General S. R. Anderson.

Captain James Trousdale died in 1818; his wife died in 1839. William Trousdale, a son of Captain James Trousdale, was born in Orange County, North Carolina, on September 23, 1790. In 1796, when he was six years old, he came with his father to what is now Sumner County, Tennessee. He grew up surrounded by the scenes of pioneer life, and became inured to all the hardships of frontier life; but, the settlers at an early day paid attention to the erection of school houses and churches. John Hall, a man of great learning, was among the first teachers in Sumner County. William Trousdale, for a while, was under the tuition of John Hall. He was a pupil of Dr. Gideon Blackburn in 1813. When a call was made for volunteers for the Creek War, he at once left school and enlisted as a private in Captain Edwards' company of mounted riflemen. He was elected third lieutenant and took part in the battles of Talladega and Tallashatchee. He re-enlisted in 1814 in Captain Scurry's company and was at the capture of Pensacola and took part in the battle of New Orleans. When peace was made, William Trousdale returned home and resumed his studies under John Hall and finished his education in 1816. He then studied law and was admitted to the bar in 1820. In 1827 he married Miss Mary Ann Bugg, a lady of great refinement and worth. She was born in Mecklenberg County, Virginia, and was a daughter of Mr. Samuel Bugg, who married Miss Frances Lewis. They removed to Sumner County, Tennessee, when their daughter, Mary Ann, was quite young. William Trousdale was elected to the Senate of Tennessee in 1835. In 1836 he was made major-general of militia. He was colonel of the second regiment of

mounted volunteers in the Seminole War in 1836. After the close of the Seminole War he was tendered by President Jackson an appointment as brigadier general in the United States army. He declined to accept the appointment, and in response to the offer, said: "I value the compliment, but decline the appointment, as I desire no connection with the army except in times of war." In 1837 General Trousdale was the Democratic candidate for Congress in a strong Whig district, and while he received a large vote he could not overcome the Whig majority. He was a Democratic elector in the presidential campaign in 1840.

In 1847 General Trousdale was appointed by President Polk, colonel of the fourteenth regiment of United States infantry, and took an active part in the Mexican War. He landed with his regiment at Vera Cruz on June 13, 1847. He took part in the battles of Contreras, Cherubusco, Molino del Rey and Chepultepec. In this last battle General Trousdale commanded a brigade, and was twice severely wounded, but refused to leave the field until the close of the battle. On August 23, 1848, President Polk appointed General Trousdale brigadier general by brevet in the United States army for gallantry at Chepultepec. With the restoration of peace General Trousdale returned to private life. He was elected governor of Tennessee in 1849, and served one term. He was appointed Envoy Extraordinary and Minister Plenipotentiary to Brazil on May 24, 1853, by President Pierce. He remained in Brazil for four years. He then returned to his home in Gallatin, Tenn., where he died on March 27, 1872. J. A. Trousdale, a son of General Trousdale, wrote of his father, in part as follows: "He would have attracted attention in any assembly of men, as well by his striking features as by his manly address. He was six feet tall, erect, spare made, muscular and well formed. A thick growth of black wavy hair covered a head of faultless shape. His eyes were gray and deep seated, and his nose was straight and thin. His mouth, chin and jaws were symmetrically formed, adding much in their expressive shape to the idea of strong character which the facial features all clearly indicated. His face in repose wore an expression of deep earnestness tinged with sadness, but relieved of severity by an air of quiet, satisfied

composure. He was entirely free from affectation in either look, speech or act. His bearing was civil, polite and courtly."

General Trousdale was a great reader. He was modest and retiring in his manner. He was true to his friends, and lost his fortune early in life by being surety for some of his neighbors. He was an earnest and forcible speaker and a successful lawyer. He loved truth and despised the false. His ideas of life were on a high plane. His great and moving sentiment was patriotism and devotion to his country.

General Trousdale left surviving him two daughters, viz.: Maria Louisa, the wife of B. F. Allen; and Frances T., the wife of J. B. Peyton. They reside in Gallatin, Tenn.

He left two sons. Charles W., who lost a leg at Chickamauga, died in January, 1900, leaving one child, Miss Kate, who now lives in Gallatin. The other son of General Trousdale was Julius A., who was severely wounded at the battle of Shiloh. He died in September, 1899. He left no children. General Trousdale's second daughter, Miss Valeria, married General James Lafferty, of Grainger County, Tennessee. She died in 1860, leaving three children.

Mrs. Mary Trousdale, widow of General Trousdale, died in 1882.

THE EARLIEST RECORDS OF DAVIDSON COUNTY.

Davidson was the first county erected in Tennessee west of the Cumberland Mountains. Previous to the establishment of Davidson County, public authority was vested in a committee elected in pursuance of a written agreement voluntarily entered into by the settlers on Cumberland River. In March, 1783, the committee sent Colonel James Robertson to Hillsborough with a petition to the General Assembly of North Carolina, praying for the "salutary benefit of government in all its various branches." At the following April session of the General Assembly, Davidson County was erected, and an Inferior Court of Pleas and Quarter Sessions established for its government. The minutes of this Court from its organization, October 6, 1783, to April 8, 1785, are deposited in the archives of the Tennessee Historical Society. Andrew Ewing was an admirable clerk; his minutes are full and intelligently expressed. The minutes of the first term of the court, which was occupied chiefly with the organization of the county government, are as follows:

State of North Carolina, October 6, 1783.

Davidson County:

Whereas an act was made at Hillsborough, the April session past for laying off of a distinct county westward of Cumberland Mountain, to be known by the name of Davidson County and to include the settlement on Cumberland River, etc.; and for establishing an Inferior Court of Pleas and Quarter Sessions therein to be held, on the first Mondays of January, April, July and October; appointing and commissioning the following gentlemen, viz.: Anthony Bledsoe, Daniel Smith, James Robertson, Isaac Bledsoe, Samuel Barton, Thomas Molloy, Francis Prince, and Isaac Linsey, Esqrs., members of said court;

Be it therefore remembered that, pursuant to the aforesaid act of Assembly, Isaac Bledsoe, Samuel Barton, Francis Prince, and Isaac Linsey, Esqrs., named in the commission aforesaid, met this 6th day of October, in the seventh year of the American Independence, and in the year of our Lord one thousand seven hundred and eighty-three: Qualifying themselves for the pur-

pose aforesaid by taking the oath by law prescribed for the qualification of public officers, and likewise the oath of office, in the following manner, viz.: the next junior member to the senior present mentioned in the commission, administered the aforesaid oaths to the senior member present, and then he to the other members present: which proceeding was immediately signed by Isaac Bledsoe.

The court then proceeded to elect a clerk agreeable to act of the General Assembly, and made choice of Mathew Talbot, Esq., which was likewise signed by Isaac Bledsoe.

The court then proceeded to elect a sheriff for the County of Davidson agreeable to act of Assembly, and made choice of Daniel Williams, Esq., who gave bond of five thousand pounds, with James Mulherin, Isaac Linsey, and William Overall securities, for the faithful discharge of his office, and took the oath by law prescribed for the qualification of officers, and likewise the oath of office.

Court then adjourned until to-morrow morning at eight o'clock.

Tuesday Morning, October 7, 1783.

The court met according to adjournment: When Mathew Talbot, Jr., Esq., who was yesterday elected clerk of the court, and having been indulged by the court until this morning, to find sufficient securities for his faithful performance of office, and failing therein, he relinquished his claim to the place: on which the court declared the place of the clerk vacant, and proceeded to elect Andrew Ewin their clerk: who gave bond of two thousand pounds, with William Overall, James Shaw, Julius Sanders, and Jonathan Drake securities for his faithful performance of office, and took the oath prescribed by law for public officers, and likewise the oath of office.

The court then proceeded to elect by ballot an Entry Taker for the County of Davidson. The candidates for the place were Major Samuel Barton and Major John Reed: when the vote of the court were unanimous for Major Barton; who entered into bond of fifty thousand pounds, with John Buchanan, Jr., Robert Espey, James Mulherin and Andrew Lucas securities for the faithful return of the money by him received to the Treasurer; and likewise into bond of ten thousand pounds, with Robert Espey, Daniel Williams, and John Buchanan, Jr., sureties for the faithful discharge of his office; and likewise took the oath of office, having immediately before as a Justice of the Peace, taken the oath by law prescribed to be taken by public officers.

The court then proceeded to elect by ballot a surveyor for the County of Davidson. The candidates for the place were Captain Anthony Bledsoe and James Mulherin; when the votes being

two for each of the candidates, the court agreed to postpone the determination to the ensuing court.

The court then proceeded to elect by ballot a Register for the County of Davidson. The candidates for the place were Captain Francis Prince and Andrew Ewin, when the votes were for Ewin one, and for Captain Francis Prince two; who entered into bond of one thousand pounds with Isaac Linsey and Daniel Williams securities for his faithful performance of his office; and likewise took the oath of office, having before as a Justice of the Peace taken the oath by law prescribed for the qualification of public officers.

The court then nominated and appointed constables in the several stations: Samuel Mason, at Maulding's; James McCain, at Mansco's; Stephen Ray, at Heatonsburg; John McAdams, at Nashborough; and Edward Swanson, at Freeland's Station.

The court then proceeded to fix on a place for building of a court house and prison, and agreed that in the present situation of the settlement, they be builded at Nashborough at the expense of the public; and that the size of the court house be eighteen feet square in the body with a leanto shed on one side, of twelve feet in breadth, and in length equal to the house; and that the said house be furnished with the necessary benches, bar tables, etc. Also a prison of fourteen feet square, of hewed logs of a foot square, and that both walls, loft, and floor be done with the same materials, unless builded on the surface of a rock; and that the doing of both be let by way of public vendue on the fourteenth of this instant, to the lowest bidder; and if not then let, that Major Barton let the same on the lowest terms he can to any who will undertake the doing of them: to be completed by the first Monday of January ensuing.

On motion made by Heydon Wells, ordered that he have leave to build a water grist mill on Thomas' Creek, up said creek from the mouth about a quarter of a mile.

Ordered that the road from Nashborough to Mansco's Station as marked off heretofore by an order of our late committee be cleared out, and that James Freeland be overseer from Nashborough as far as opposite to Mr. Buchanan's spring; and that James Shaw oversee from Mansco's this way to the aforesaid spring; and that they call together as many of the inhabitants of their respective stations as shall be necessary for perfecting of the same.

The court then nominated for grand jury at the ensuing court, James Shaw, Ebenezer Titus, James Mulherin, Isaac Thomas, Daniel Williams, Sr., Robert Espey, John Buchanan, Sr., William Gowan, James Freeland, Captain George Freeland, Francis Hodge, John Thomas, Heydon Wells, David Rounsevall, James

no wagons, carriages or other wheeled vehicles in the community. Land transportation would seem to have been effected entirely by pack horses. These deductions are made from the following order:

July 6, 1784.

On motion made by Mr. James Shaw, to have the keeping of a ferry on Cumberland River at the town of Nashville. Ordered that the said James Shaw keep a ferry at the place aforesaid, with good and sufficient boats, and well attended for the passage of such as are desirous of crossing said river—for which service he shall take the following fees, and no more, to wit:

One shilling for man and horse.
One shilling for every pack horse and pack.
Eight pence for a lead horse without a pack.
Six pence for every footman.
Six pence for every head of horned cattle.
Four pence per head for hogs and sheep.

The development in the procedure of the court itself is striking. At first its proceedings could hardly be distinguished from those of the committee, which it succeeded; they were so simple and inartificial. There were no lawyers at its bar, and consequently no technical forms of pleading. The first declaration entered of record was at the October term, 1784—one year after the organization of the court. It was drawn by General James Robertson, the plaintiff in the litigation. The record is as follows:

October 6, 1784.

James Robertson vs. Jno. Culbertson, etc., in a plea of debt:

To Mr. Jno. Culbertson, of the State of North Carolina, Davidson County: Sir, I have commenced suit against you for a non-performance of a bargain concerning a tract of land, joining Samuel Rice on Bail's Fork of Paint Lick Creek, in the State of Virginia, in the County of Lincoln, on a bond of performance of thirty pounds penalty, which I insist is forfeited.

In witness whereof I hereunto set my hand this 28th day of July, 1784. JAMES ROBERTSON.

To which the defendant enters the plea that he owes nothing.

The first attorney admitted to the bar was William Gubbins. But as the court had no authority to grant license to practice law, his admission was restricted to the capacity of an attorney in fact, until such time as he should obtain license in the manner

prescribed by law. Poor Gubbins died the following year, probably without having obtained the coveted license. Still, I think he may be fairly set down as the first lawyer to practice at the bar in Middle Tennessee. He had evidently studied law, held himself out for practice, to which he appears to have been entitled. The following are the order admitting him to the bar, and the declaration filed by him as attorney in fact, the following day:

April 5, 1785.

On motion made, the court admits William Gubbins as an attorney in fact, to appear for any person impowering him by letter of attorney, but not as attorney at law; and that the said William Gubbins shall as soon as convenient endeavor to obtain license, as by law directed.

April 6, 1785.

John McGillavary, Esq., of West Florida, against Thomas James, in a plea of trespass on the case.

In which the said Jno. McGillavary, by William Gubbins, his attorney in fact, complains of the said Thomas James, for this, to wit:

That whereas on the — day of ——— in the year of our Lord, one thousand seven hundred and eighty, in the Choctaw Nation, a certain Benjamin James did then and there take from the Indians of the said nation a certain negro named Will; by trade a cooper, the property of the said McGillavary, which Indians had taken up the said negro when run away.

And whereas on the — day of ——— in the year of our Lord, one thousand seven hundred and eighty, in the Choctaw Nation, the said McGillavary did by James McGillavary, his attorney, go to the said James, and then and there demand the said negro, and offered to pay such expense as the said James should have been at, in and about the said negro. To which the said James appeared to be satisfied and agreed. But afterwards, to wit: on the —— day of ——— in the year aforesaid, in the Choctaw Nation aforesaid, the said Thomas James did then and there stop and hinder the said Benjamin James from delivering to the said McGillavary the said negro, and did persuade the said Benjamin to send the said negro with him to this country, in order to deprive the said McGillavary of his just property—and to this country the said Thomas James has brought him, the said negro, either by consent of the said Benjamin, or some other way; and much to the expense and disadvantage of the said McGillavary.

And afterwards, to wit: on the — day of ——— in the year of our Lord, one thousand seven hundred and eighty-four, at

the French Lick in the County of Davidson aforesaid, the said John McGillavary, by John Turnbull, his attorney, did the said negro of the said Thomas James demand. Nevertheless the said Thomas James, the said negro to the said McGillavary hath not delivered, although after required, but hitherto hath refused and still doth refuse to render the same: Wherefore he saith that he is injured and hath damage to the value of two hundred and fifty pounds currency, and thereupon he brings suit; and so forth.

The jury found for the defendant; "and from which verdict the plaintiff appeals to the Superior Court of Law and Equity of Morgan District, and gave bond and security as by law required." This was the first appeal from the decision of the court, which is another evidence of the advent of a lawyer, if other evidence than the technical and verbose expression of his pleading were required.

CAMPBELL PAPERS.

[The two following papers are from the valuable Campbell manuscripts. We are permitted to publish them by the courtesy of Mrs. James S. Pilcher, a daughter of Governor William B. Campbell. The Campbell manuscripts comprise one of the most valuable private collections of historic documents in the State. We hope to continue their publication in the next issue.]

GOVERNOR ARCHIBALD ROANE.

Rev. John Roane was born in 1717; came to America in 1736. Andrew Roane was his brother. Both were born in Greenshaw, Ireland, came to America in 1736, and settled in Lancaster County, Pennsylvania, then called Derry and Donegal.

Andrew Roane's wife was a Miss Margaret Walker. He died in 1768, leaving his wife and four children, Archibald, Margaret, William and Sally. His wife did not long survive him, and his brother the Rev. John Roane became guardian for his children.

The Rev. John Roane, of Lancaster County, Pennsylvania, had charge of the Neshaming Academy after Mr. Tennant left it.

Archibald Roane, nephew of the Rev. John, left Pennsylvania and settled first at Liberty Hall, Rockbridge County, Virginia. Later he removed to Tennessee.

The following is copied from the historical archives of Dauphin County, Pennsylvania.

"Archibald Roane, the son of Andrew Roane and Margaret Walker, was a native of Derry Township, Lancaster County (now Dauphin County), Pennsylvania, where he was born about 1760. His father dying about 1768, he was placed in the care of his uncle, the Rev. John Roane. In the will of the latter, this mention is made of him. 'I also allow to my nephew, Archibald Roane (in case the above persons, the Rev. Geo. Daffield and my executors apprehend him religiously disposed), twenty pounds towards his college expenses.' He studied law and removed to Tennessee where he obtained a license to practice that profession. He was shortly afterwards appointed District Attorney General;

GOVERNOR ARCHIBALD ROANE.

and in 1795* was honored with the position of judge of the Supreme Court of Tennessee. From 1801 to 1804, he was governor of the State, and held a number of important offices during his life. He was a gentleman of education, a leading jurist and an honorable citizen of the State of his adoption; in honor of him, Tennessee named one of its counties."

Governor Archibald Roane married Ann Campbell, youngest child of David Campbell and his wife, Mary Hamilton. She was born in 1759 and died 1831, in Nashville, Tenn., at the home of her eldest son, Dr. James Roane. They had six children. The eldest, James Roane, a leading physician in Tennessee, at an early date married Nancy Irby; their eldest daughter, Christiana Roane, married Wm. Masterson, a merchant of Nashville, Tenn.; their two sons, James and Archibald Masterson, have attained prominence as lawyers and judges at Galveston and Houston, Texas. Governor Roane's eldest daughter, Mary, married a Mr. Hackney, the second daughter, Ann, married a Mr. Reynolds Ramsey, and their third daughter married a Mr. McCorney, of Georgia. His second son, Andrew, married and lived in Mississippi, has a son now living in Oxford, Miss., a prominent lawyer. Archibald, the third son also lived in Mississippi; his son, Judge Archibald Roane, now lives at Grenada, Miss., 1896, a leading lawyer and jurist.

Letter from Governor Archibald Roane to his cousin, Flavel Roane, of Dauphin County, Pennsylvania.

"Jonesboro, April 1, 1797.

"Dear Sir:—Mr. Montgomery has just informed me that he will probably see you, and I could not omit so favorable an opportunity of writing. Our connection by consanguinity, but more particularly by that intimate union of friendship, which has so united us, causes me to feel particularly concerned in anything that interests you, and supposing that you are actuated by a similar principal, I will gratify you with a statement of my situation.

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*This date should be 1796. Tennessee was admitted to the Union in 1796, and Archibald Roane was appointed one of the judges of the Superior Court and held the position until 1801, when he was elected governor.—EDITOR.

"Very soon after my settlement in this country, I obtained a license to practice law, and in that character had tolerable success. I was appointed Attorney General for a District some years ago, and for about one year past have held the office of Judge of the Supreme Court of this State (Tennessee). Thus I have obtained the confidence of my fellow citizens. I have now four children, viz.: James, David, Andrew and Mary.* Last fall, James McLester, with his family, arrived safe at my house. I sold him the plantation I then lived on for two hundred pounds, and removed to another tract of land in Knox County, about sixty-five miles from my former residence, and settled in the woods, and am endeavoring to make improvements as fast as I can. McLester informed me that you had some thoughts of visiting this State. I will be very happy to see you here, and will endeavor to render you all the service in my power, want of time prevents me from enlarging.

"Pray write every opportunity and believe me to be ever

"Sincerely yours,

"ARCHIBALD ROANE."

SKETCH OF COLONEL JOHN H. BOWEN, LATE OF GALLATIN, TENN.

John Henry Bowen was the eldest son of Captain William Bowen, and his wife, Mary Henley Runell (daughter of General William Runell, of Augusta County, Virginia, a brave and patriotic officer, who served throughout the Revolution of 1776). Moses Bowen and his wife, Rebecca Reece, natives of Wales, emigrated to the Colonies in America in 1698, settled in Pennsylvania with a large colony of Welch emigrants, they having purchased ten thousand acres of land in Guinedd Township, Chester County, Pennsylvania.

John (son of Moses Bowen) was a Quaker farmer of consirable wealth. His wife was Lily McIlhaney, daughter of Henry McIlhaney and Jane, his wife. This John Bowen and his wife moved from Pennsylvania to Virginia in 1730. They had twelve children. One of them, Captain William Bowen, was the father of

*Governor Roane had two other children not mentioned in this letter, Margaret and Archibald.

the subject of this sketch, a lieutenant in the Colonial Army of Virginia, and captain in the Revolutionary War, 1779; he was one of the earliest pioneers who came to Nashville in the autumn of 1785, and settled in Sumner County, Tennessee, twelve miles from Nashville, where he erected the first brick house that was built in the State, though at that time it was a province of North Carolina. At the same time, and in the same neighborhood Colonel Daniel Smith built the first stone house, Captain Bowen and Colonel Smith having sent to Kentucky for stone and brick masons to do the work for them; these two houses are still standing in 1867.

John H. Bowen was born September, 1780, in Washington County, Virginia, five years before his father removed to the Cumberland country, as all Middle Tennessee was called at that time.

We have no graphic account of the manner in which his early years were spent, but about the year 1796, he then being sixteen years of age, was sent to Lexington, Ky., to school, near which place resided his two maternal uncles, Colonel Robert and Colonel William Russell. John boarded at his Uncle Robert's, two miles from Lexington, and attended Mr. Malcom Whorley's school for boys. He spent several years at this place, and about the year 1800 he began the study of law in the office of John Breckinridge, a noted lawyer at that time in Lexington, the father of the eminent divine of the Presbyterian Church, Dr. Robert J. Breckinridge, and also of the Rev. Wm. L. Breckinridge, and grandfather of the distinguished General John C. Breckinridge.

Thus occupied he remained two years, returned home, and began the practice of law at Gallatin, Tenn. He soon worked up a very lucrative practice, was one of the leading lawyers of Middle Tennessee. He also attended the courts in Davidson, Wilson, Smith, and Jackson counties, where he had a large practice.

At the old home on Mansker's Creek on the 15th day of December, 1804, his father died, and he being the eldest son, of course the responsibilities were thrust upon him in the settlement of his father's large estate, which he did in such a wise and just manner, that he won the admiration and respect of all, and the undying devotion of his brothers and sisters.

He belonged to the Jeffersonian side of the political questions of the day, was an honest, true statesman in the highest sense of the word.

In 1811 he was elected to Congress by a large majority, and served his term with honor and credit to himself and his constituency. Upon the expiration of his term in Congress he returned home and resumed the practice of his profession.

In 1815 he was married to Elizabeth Allen, a daughter of Grant Allen and his wife, Tabitha Marshall, who then resided upon a large farm near Dixon Springs, Tenn. This place is still owned by some of his descendants.

Colonel Bowen and his wife had four children. Two died in youth and two reared families. The eldest, Mary Bowen, married Judge Jacob Schall Yerger, of Greenville, Miss., an eminent lawyer. They gave three sons to the "lost cause," all being killed in battle, during the war between the States. William G. Yerger, the only living son, is a prominent lawyer now residing at Greenville, Miss. He has three children.

Henry Yerger, another son, died leaving several children now living near Greenville, Miss.

Grant Allen Bowen, son of Colonel John H., married Amanda Yerger. They left two children, John H. and Mary. All of Colonel Bowen's descendants now reside in or near Greenville, Miss. The brick house* which Colonel Bowen erected for his home, is still standing in Gallatin, on one of the principal streets. It was bought after Colonel Bowen's death by Governor Wm. Trousdale, one of Tennessee's leading citizens, and here he lived until his death.

John H. Bowen was a man of unusual intellectual capacity, was broad, liberal and patriotic in the discussion of the questions of importance at that time, was a man of much personal magnetism, was peculiarly gifted in winning the confidence of all with whom he was associated. He was kind and amiable, never inclined to censoriousness; coupled with his grant of kind-heartedness, his address was elegant, his manners polished; in

*The above mentioned house was inherited by Governor Trousdale's son, the Hon. Julius A. Trousdale, and after his death was presented to the Daughters of Confederacy by his widow, Mrs. Anne Berry Trousdale, now a resident of Nashville.

appearance was exceedingly handsome. He was loved by his whole family with uncommon adoration.

He died September 25, 1822, aged forty-two years, just when his life was in its prime, and the future so full of great possibilities for him. Those who knew and appreciated this pure, upright statesman felt that his death was a real calamity to the people of his State.

Written by Mrs. Catherine Bowen Campbell in 1867 when she was eighty-three years of age.

MADISON COUNTY.

BY J. G. CISCO.

Eighty-three years have come and gone, years fraught with changes of vast importance in the history and progress of the world, since the first white family settled in what is now Madison County, Tennessee. The territory was then an unbroken, untrodden wilderness, the only inhabitants of which were the wild beasts that had held undisputed possession of the dark, shady woods from time beyond reckoning.

The bold and hardy pioneers found a country as fair as any upon which the sun had ever shone, fresh from the hand of nature, untouched, untarnished and uncontaminated by the hand of man. For centuries unnumbered it had been the abode of red men. Its forests had afforded them shelter from the suns of summer and the blasts of winter. Its hills and glens and its clear running streams had given them an abundance of nature's food, while the skins of animals taken in the chase had supplied them with clothing.

Ages had circled away and left the Indians in undisputed possession of this fair land; here their children had been born and had grown to stalwart manhood, and womanhood, here their dusky fathers had died and been laid away to rest until called by the Great Spirit to a happier hunting ground. Here the simple natives worshiped their gods and practiced their rites, little dreaming of the time when the destroyer would come with gunpowder and plow, with Bible and rum, to drive them from their ancient homes to wander in a strange land, to die and be forgotten—even the names of their tribes, the names they gave the rivers and the streams, the hills and the valleys, to be remembered no more forever.

That a prehistoric people had at one time populous villages and communities in what is now Madison County is evidenced by numerous remains that still exist. But the names of these

settlements have been long forgotten, even if they were ever known to the whites. Who these people were, of their tribal relations, of their social institutions, of their manners and customs, of their language, whence they came, and when, we know absolutely nothing. All their history and traditions perished with them.

At the south end of Market street in the city of Jackson, to the west of the Illinois Central Railroad, there was once an Indian mound in which I found a stone pipe of curious workmanship, and a number of arrow heads. On what is known as the John W. Campbell farm, one and one-half miles west from Jackson, there are several small mounds, one of which I excavated about the year 1880. About five feet from the top, and near the original surface, there was found a pit filled with ashes, charred human bones and partly burned wood; these, with a few flint chips, were all the mound contained.

These mounds are silent monuments of a forgotten people. They bear no inscriptions of deeds of valor in war or in the chase; nor of love and devotion of family or of tribe. They are dead monuments of a dead people. They bear no inscriptions as to their builders, who they were, whence they came, whither they went; and speculation is useless.

Southeast of Jackson ten miles, and north of Pinson three miles, is one of the most interesting groups of aboriginal monuments in the Southern States. There are probably one hundred and fifty mounds in this group within an area of six square miles. The largest of them is mentioned by Judge Haywood in his Natural and Aboriginal History of Tennessee, published in 1826. He gives its height at ninety-six feet. But this is an error. I measured it in 1880 and found it to be seventy-two feet high and about one thousand feet in circumference at the base. About one-half a mile northwest of this mound is another of peculiar form, being pentagon in shape. It is twenty feet high, with five faces sloping to the top at an angle of about forty-five degrees. The five sides are each about one hundred feet. This mound is flat on the top and has an approach at one corner. There are several large beech and oak trees growing on this mound, and on one of its sides not far from its base is a poplar tree nearly four feet in diameter, and so old that it has long since begun

to decay at the top. To the south from this mound fifty chains are what are called the "twin mound." They are about twelve feet high and are what the name implies. There are many other mounds in this group, some quite large, and others so small as to be scarcely noticeable. They have all been more or less reduced by the white man's plow that has gone over them year after year for almost three-quarters of a century.

These mounds are on the north side, in a sweeping bend of the south branch of the Forked Deer River, in a fertile region in which there are numerous springs of pure, sparkling, freestone water. Colonel Jones, one of the early settlers of this county, told me that when he was a boy he rode a horse for the distance of six miles on a line of earthworks that connected, and partially surrounded these mounds. Traces of these works are still to be seen outside the plowed fields.

The builders of these stupendous works are gone; their bones have crumbled into dust, and save these mounds of earth, a few stone implements and fragments of pottery, there is nothing left to tell that they ever existed. They left no history, no records, not even a tradition.

When the white men first began their settlements in this section it was not inhabited by Indians, though it was claimed by the Chickasaws, a war-like and valiant race. The warriors of this tribe were a large, well-formed, fine-looking body of men, and their women are reputed to have been handsome, modest, chaste and not as dark in color as most of the Indians were. They were cleanly in their habits and in their persons. The Chickasaws were also patriotic, and ever ready to lay down their lives in defense of their homes and of their country. Moreover, the fact is generally accepted, that in intelligence, in manhood, and in womanhood they excelled all other Indians, except, perhaps, the Cherokees. By treaty, dated October 19, 1818, the Chickasaws ceded all their rights to this territory to the United States for a specified sum to be paid annually. This was twenty-two years after Tennessee was organized as a State.

There are no authentic records, nor any information of any expedition of white men, nor any individual white man having set his foot on Madison County soil previous to about 1817 or 1818. Until a short time before this date there was not a single

white settlement, nor a white man's cabin in the newly acquired territory, save the trading post where the city of Memphis now is. But soon surveying parties, speculators and squatters began to explore it in search of locations for homes. Soon the smoke from mud chimneys began to curl over log cabins, and from innumerable camp fires, and within a few months, the whole of the "Purchase," or "Western District" was known to the enterprising pioneers. Its boundless resources, its grand possibilities and its glorious future were foreseen.

Imagine, if you can, the delight of the first settlers in this fair land. Its soil was untouched by the plow; its primeval forests had never known the woodman's axe, and were alive with song birds; deer roamed in large numbers through the shady woods and grassy vales with nothing save the savage wolf, the panther and the catamount to dispute their rights of possession. There were bears in abundance; the beaver had never been disturbed in his rights to the waterways; the raccoon then, as now, sought its nocturnal meals in the streams and lakes. Wild fowls skimmed the bosom of its waters, with none to molest or make them afraid. Annual fires had kept the forests free from fallen timber and undergrowth. In season the luscious wild strawberry and the blackberry grew on every hillside, and the wild plum abounded. Autumn brought its harvest of nuts and persimmons, while the wild grapes hung in purple festoons from vines that embraced thousands of trees. Its rivers and creeks and lakes teemed with the finest fish. It was truly a fair land. Its landscape was undulating and rose and fell like waves of the ocean. Wild flowers shed their rich fragrance everywhere. The forests were clothed in regal splendor in summer, and when winter spread her snowy mantle over the earth no fairer scene upon which to look was ever presented to human eye. Its climate was genial and mild, and its gentle winds carried the bloom of health upon their wings. Its winters were short and mild; its summers were long, but were tempered by the luxurious growth of vegetation that covered the landscape.

There was no ruggedness in its landscape; it had no towering mountains, no deep valleys, but it possessed a sylvan beauty, a calm and quiet peace that gladdened the hearts of its beholders. There were no Indian foes lurking in fen and jungle, behind

tree or stone, ready to spring upon the unwary traveler or his little home. The emigrant could travel all day and camp at night without fear of attack from a savage foe. The only enemies to be dreaded were the bear, the catamount and the panther that sometimes attacked the domestic animals of the settlers when they strayed away from the vicinity of the camp or cabin.

The early settlers in Madison County came principally from Middle Tennessee and North Carolina, with a few from Virginia, Georgia, and South Carolina, following old Indian and buffalo trails. For a long time after the settlement of East and Middle Tennessee the "Western District" remained a *terra incognita.* Because the country was comparatively level and the waters coursed slowly between their banks in their march to the sea, it was considered by the people from the mountain region as being unhealthy. It was said that to go beyond the Tennessee River toward the setting sun was to go to an early grave. But after the settlement of the dispute as to the rights of the territory, adventurous spirits were not wanting who would brave the terrors of the swamp and dare to settle in "Death's Valley."

The march of civilization thus began. Most of the early pioneers were poor, of limited means and education; but their arms were strong and their hearts were as brave as the eagle of the forest, and as true as the needle to the pole, and as generous as the bounteous nature that surrounded them. They were prompt to resent an insult or an injury and generous to forgive. Their hospitality was limited only by their capacity. Their doors were always open to travelers and their hearts to appeals for help. Their wives and daughters were worthy of their husbands and fathers; they were not endowed with the conventional graces and accomplishments of their descendants of to-day, but they possessed strong minds, strong bodies and pure habits. They could milk a dozen cows morning and evening, harness or saddle a mule, or they could ride it without a saddle; they could yoke a pair of steers or call the hogs; they knew how to load a rifle and how to use one. They could plow, chop wood, burn brush and logs in the clearing, card, spin and weave the cloth that made theirs and their fathers' and brothers' garments. They wore homespun frocks and big sunbonnets that protected their rosy faces from the rays of the sun as well as from the im-

pudent stare of those who had no right to gaze upon their beauty. Their cheeks were painted with the rosy glow of health; they were strong of limb, strong in will and pure in mind. They were modest, timid and reserved, and endowed with all the graces which constitute the charm of true womanhood. They were the queens of the household and the domestic circle. The sons of the pioneers were worthy of their sires, and were worthy progenitors of the race that was to follow them. Cigarettes and high collars were strangers to them; their garments were made by their mothers and sisters; their caps were of coon skins and their shoes were made at home. They were fearless and courageous, enterprising and industrious. The sons and daughters of the household received their instructions at their parents' knee, and the Bible was their library. Amid such surroundings the people were happy and contented and their few wants were easily gratified. Exercise in their various occupations gave them health and voracious appetites. The forests and the streams supplied their table with meat; corn for bread was had for little effort. They lived near to nature's heart and worshipped nature's God.

Madison County occupies almost the exact geographical center of West Tennessee. It was organized in 1820, and its name was given to it in honor of President Madison. It has an area of about five hundred and thirty square miles; an elevation above the sea level of four hundred feet, and its soil is a mixture of clay and sand, with an underlying bed of orange sand. Like most of West Tennessee, this county is of recent geological formation. Its soil is chiefly alluvial, generally very productive, and will stand drouths to a remarkable degree. Originally it contained large quantities of the finest timber, such as elm, gum, the oaks, hickory, cypress, beech, poplar, ash, walnut, maple, mulberry, and cherry. However, much of its timber has been destroyed, or consumed, though enough yet remains to supply the needs of the people for many years. For water ways it has the Hatchie and the Forked Deer with their numerous tributary streams, all of which are small, sluggish and overflow their banks during periods of heavy rainfall. When the county was first settled the channels of its creeks and of its rivers were deep enough to carry off their surplus waters, but in clearing

the lands timber was carelessly allowed by the farmers to fall into the streams, which, together with the soil that was loosened by the plow and washed down from the higher lands, filled up their beds, and thus much land is subject to overflow, which renders it comparatively worthless.

The first settlement made in Madison County was in the year 1819, near Cotton Gin Grove, in what is now the Fourteenth Civil District, about eight miles from Jackson, by John Hargrove, Roderick and Duncan McIver and their families.

A few months later, in the same year, John Bradbury settled near Spring Creek, and was soon followed by Seth O. Waddell, who settled in what is now the Sixteenth District.

Its next settlement was about two miles west of Jackson, now known as the McClannahan farm, and not far from an old ford on the Forked Deer river. That ford was at the bend of the river and about two hundred yards below the present bridge on Campbell's levee road. There are some old log cabins now standing near the place where the settlement was made, and near them, at the base of a hill, is a fine spring. The settlers at that day sought locations where there was plenty of good water and an abundance of timber. It appears that they had an idea that unless the timber was heavy the land was necessarily poor. The settlement in question was made by Adam R. Alexander, James Porter and James Brown. Mr. Alexander was at that time District Surveyor. A Mr. Doak also settled near Alexander, but later moved to the Spring Creek neighborhood, where some of his descendants now reside. Sim Jones came to the Alexander neighborhood about the same time. This was in the year 1820. The place where Mr. Alexander settled was called Alexandria. It was the seat of government for the county until 1822, when the present site was selected.

All these settlements, and some others, were made before the organization of the county.

A short time after the Alexander settlement Thomas Shannon built a cabin within the present limits of the city of Jackson.

In 1820 the Tennessee legislature passed an act for the organization of Madison County. In pursuance of that act Governor Carroll commissioned Bartholomew G. Stewart, Robert H. Dyer, John Thomas, William Brodin, Adam R. Alexander, Duncan

McIver, Joseph Lynn, James Trousdale, Samuel Taylor, Herndon Harleson, and William W. Woolfolk, "Gentlemen, Justices of the Peace" for the county.

On the 17th day of December, 1821, they met at the office of Mr. Alexander for the purpose of organizing a Court of Pleas and Quarter Sessions. Robert Hughes was made temporary chairman, and the first official act of that court was to hold an election for country officers. Roderick McIver was elected its clerk; Harleson its chairman; Thomas Shannon its sheriff; John T. Porter, register; James Brown, ranger; William Atchison, trustee; William Griffin, coroner; George White, John Fore, Elijah Jones and William H. Doak, constables. Henry L. Gray, Alexander B. Bradford and Robert Hughes were sworn in as attorneys. Mr. Bradford, who afterwards became distinguished in the annals of this State, and the State of Mississippi as a soldier, was qualified as Solicitor-General of the Fourteenth Judicial Circuit.

It appears from an initiatory proceeding of that court that at that day the civil was not so independent of the military authority as it is now. That proceeding is in this wise: "Ordered that it be certified to the Brigadier General of the 11th Brigade, that this court was organized on Monday, the 17th day of December, 1821."

The next term of the court was held on Monday, March 18, 1822, at Alexandria. Adam R. Alexander was appointed chairman. D. W. Murray, Joseph H. Talbot and David Thomas were sworn in as attorneys. Thomas Lacy was allowed a bounty on three, and Enoch Douthet on two, wolf scalps, killed in the county. Calvin Jones was granted permission to erect a mill on Butler's, now Jones' Creek. Herndon Harelson, —— Ragland and Parks Chandler were licensed to build a saw and grist mill on the same stream. Adam R. Alexander was granted license to build a saw and grist mill on Meridian Creek at the place now known as McKnight's mill; Duncan to build one on Jones' Creek; Ezekiel McCoy to build one on Trace Creek.

On the 19th day of March, 1822, Joseph Lynn, Bartholomew G. Stewart and James Trousdale were appointed a commission to fix upon a site for the permanent seat of justice for the county.

The County Court on June 17 granted license to Thomas Shannon, Robert H. Dyer and John Redens, respectively, to keep an "ordinary," or what is now called a hotel and saloon. The commission that had been appointed to select a site for the court-house, made its report, which was ratified by the court. The points presented to the commission were, the "Land office field," or Alexandria, Golden Station, about one and one-half miles west from Alexandria and the place where the city of Jackson now stands. This last included nineteen acres and twenty-two poles of land donated by Thomas Shannon, and thirty acres and eighteen poles by John McNairy, Joseph Phillips and Dr. William E. Butler, the dividing line between the two tracts, being the center of what is now Market street, the Shannon land lying on its west side and the Butler land on its east side. The commission had laid this land off into streets, lots and a public square. The lots were sold at public auction from time to time, and brought about $10,000. The new town was given the name "Jackson" in honor of General Andrew Jackson, who had, a few years before won his famous victory over the British at New Orleans, and was the idol of the people of Tennessee.

At this date Murfreesboro was the seat of government for the State, and William Carroll was governor. The legislature passed an act on the 12th day of November, 1821, to establish a Circuit Court of Law and Equity in the Western District, to be called the Eighth Circuit, and Joshua Haskell was appointed by the governor to be its justice during good behavior. The first court under this act met at Alexandria on the 15th of April, 1822. Beverly Randolph was appointed clerk. Robert H. Dyer, Samuel Taylor and Dr. William E. Butler were his sureties in a bond of $10,000. He was also required to give bond of $1,000 for the faithful collection and payment of monies, of fines and forfeitures; also a bond of $500 for the faithful payment of monies collected by him as taxes on privileges in law and equity.

Joseph H. Talbot, William Stoddert, Andrew L. Martin, Adam Huntsman, Stockely Donaldson Hayes, Alexander B. Bradford, John W. Cook, James Jones, Robert Hughes and Archibald C. Hull were sworn in as attorneys. Nearly every one of these men became distinguished as lawyers, as statesmen, and as soldiers, though none of them, except Mr. Stoddert, a Virginian,

was what we, at this day, would call learned men. But they were all men of sound judgment and practical sense.

Andrew L. Martin was one of the most brilliant orators that Tennessee has produced. He was retained in all the important cases in this and adjoining counties, and never lost a case before a jury in which he had the concluding argument.

Adam Huntsman was as much, or more devoted to politics, after he came to West Tennessee, than he was to the legal profession. He brought with him a high reputation, particularly as a criminal lawyer, and as such while he resided in Middle Tennessee was second only to the distinguished Felix Grundy. He found Davy Crockett to be one of the political leaders in the Western District, and while in the memorable campaign of 1834 he was the warm personal friend and supporter of General Andrew Jackson, Crockett was non-committal, but was understood as favoring the election of Henry Clay. This fact caused an antagonism between him and Mr. Huntsman which determined the latter in the first opportunity which presented itself to oppose Crockett for Congress. The canvass between them which occurred in 1835, and which was warmly contested, resulted in the defeat of Crockett, who soon thereafter left Tennessee and migrated to Texas, where he fell a martyr to liberty in the memorable massacre of the Alamo.

Besides his ability as a lawyer, Mr. Huntsman was a distinguished wit and humorist. Perhaps no man ever lived in this county about whom so many anecdotes have been told. One he was accustomed to tell on himself was in this wise: Having occasion to visit the State of Virginia while this country was in a state of excitement over the treason of Aaron Burr, and while for a short while he tarried in a tavern of a small village in the southwestern part of that State, not only heard its landlord and a number of men therein assembled discussing Burr and the reward which had been offered for his arrest but while they were thus engaged, he called the landlord aside and told that person that he was in a painfully embarrassing situation and very much in need of a friend, from whom he could attain sympathy and advice, and if need be, protection; that he had been falsely accused of a great crime of which he was innocent as an unborn child; that the sleuth-hounds of the law had been tracking and

following him from beyond the Mississippi river; that he had only been able to reach the place in which he then was by concealing himself in the deep recesses of the wilderness, in the caves and in the fastnesses of the mountains, and that if arrested he would be certain to forfeit his life, for, although guiltless, he had no means of establishing his innocence; that for weeks and months his only companion had been the wild beasts and the solitude of the forest, and that his only hope of escape was to reach the seashore and take a ship for a foreign land; that being thus circumstanced and a stranger in a strange land, to accomplish his purpose he was compelled to seek counsel and advice from a stranger; that he had only a small amount of money and that he would be compelled to communicate with his friends to obtain means to carry him to Europe. The landlord, whose sympathies were aroused to the highest extent, in the most solemn manner promised not to disclose Huntsman's secret and also to faithfully aid him in having a successful correspondence with his friends. Moreover, just as they were about to separate, the landlord said to him, "If you have no objection to telling me, I would like to know your name." "None at all," replied Mr. Huntsman, "for I feel that I can confide both in your promise and your honor. You see before you that unfortunate man, Aaron Burr."

If the stars had then fallen, or the sun had been blotted out of the sky the landlord would not have been more startled than he was at that disclosure. But again giving assurances of his fidelity he separated from Mr. Huntsman. At an early hour Mr. Huntsman retired to bed, much amused at the deception he had practiced upon his host, and the evident excitement he was laboring under by reason of having been made the repository of so important a secret. His mirthful reflections were soon disturbed by the abrupt entrance of an official and his posse into his room, who arrested him on a charge of treason against the United States. The landlord, either seduced by his cupidity, or by his inability to carry so important a secret all alone without the assistance of his friends and neighbors, gave the information which led to his arrest.

On the next day they carried him to Abingdon where the Circuit Court was in session. Arriving at the court house after

the court had adjourned for dinner, they placed him in a chair about the middle of the room where he sat with his head hung down, his face resting in his hands, the picture of despair. A large crowd soon gathered around him, and when the judge came in he could not recognize him until he ascended the bench and ordered the sheriff to open the court. As soon as he did so the prisoner raised his face to look at the judge who instantly recognized him as an old friend and playmate of his boyhood. "Why Adam Huntsman, what on earth are you doing here, and under arrest?" asked the judge. "If your honor pleases," Huntsman replied, rising to his feet, "I am here to move the court to issue a bench warrant for the arrest of these scoundrels for false arrest and imprisonment, and particularly that treacherous villain there," pointing to the landlord, "under whose roof this outrage upon the rights of a free citizen was committed."

Explanations followed, and the joke was enjoyed by all concerned. The judge ordered the court to adjourn until the next morning at nine o'clock, "that everybody may have an opportunity to laugh as much as they please."

Huntsman settled at an early day at Cotton Grove, where he died and was buried. His wife was a daughter of a Mr. Todd, one of the first settlers of the county.

Joseph H. Talbot, who was a member of the first Jackson bar, and the possessor of much learning in the law, and who succeeded Alexander Bradford as attorney-general, came to Jackson from a point near Nashville, about the year 1827, and then bought and improved real estate now known as "McNairy Hill." When the State Supreme Court was directed to sit in Jackson for West Tennessee, Colonel Talbot was appointed its clerk. The appointment was tendered to Mr. James L. Talbot, a nephew of Joseph H., but being under age he could not accept it. Thereupon the latter was appointed and made his nephew his deputy. When the young man reached his majority Colonel Talbot resigned and his nephew was appointed in his place. Later he moved to Memphis where he spent the remainder of his life, loved, honored and respected by all who knew him. His remains were buried at the old Talbot homestead near Nashville.

James L. Talbot came to Madison County about the year 1828, and when he was a young man. Soon after he was appointed

clerk of the Supreme Court a Federal Court for West Tennessee was established at Jackson and he was appointed its clerk. James L. Talbot was, therefore, the first clerk of the United States court in West Tennessee, and the first deputy clerk, of the Western Division of the Supreme Court of this State, also its second chief clerk. When he assumed that of the Federal Court he was succeeded by William H. Stephens. Mr. Talbot continued to fill the position of clerk of the Federal Court until this State seceded from the Federal Union, and attached itself to the Southern Confederacy. Then Judge W. H. Humphreys appointed him clerk, as well of the district as of the Circuit Court of the Confederate states for West Tennessee. Mr. Talbot married a daughter of Mr. William Dickens, who was one of the county's pioneers, and then settled on what has since been known as "Talbot's Hill" in the northern part of this city, and on which he erected a large and imposing residence that is still standing. Mr. Talbot was a man of education, of culture, and as editor of the *Truth Teller,* one of Jackson's first newspapers, he became distinguished as a ready, clear and forceful writer. He lived in good style and was an abundant dispenser of hospitality.

William Dickens, with his family, came to Madison County from Greenville County, North Carolina in 1826, and settled a few miles north of Jackson in what is now the Tenth Civil District of this county. He was the first settler in his neighborhood, then a wild and unbroken wilderness. Mr. L. E. Talbot stated to the writer, that he had heard Mrs. Dickens, his grandmother, and her old family servants say that at the time Mr. Dickens settled in this county, deer were so abundant that they would come within a few yards of her house, and at night their eyes could be seen shining by the light from the house. Mr. Dickens built the first "Methodist meeting house" in his section of this county. Davy Crockett, during his political campaigns, was a frequent guest at Mr. Dickens' home.

William Dickens was captain of a company under General Jackson in the war of 1812, besides being engaged in the Indian wars. His father, Robert Dickens, was colonel of a regiment of Virginia dragoons in the Revolutionary War, and in that capacity served to its close. His sword was used by his son, William, in the war of 1812, and in time by his grandson, Colonel John R.

Dickens, who commanded a regiment of Mississippians in the war between the States, until disabled by wounds. The old sword that has been used by three generations of the same family, in as many wars, is preserved in the family as a sacred relic, and one to be used by some future son of the house.

Samuel Dickens, a younger brother of William, came to Madison County about 1819, and after the expiration of a term in Congress to which he had been elected from his native State, North Carolina. He came to the "Western District" soon after the extinction of the Chickasaw claims, and surveyed lands for persons who therefor had received grants in consideration of service in the early wars, and because of his political life and his service in Congress, was extensively known. He settled near Spring Creek, where he died in 1840. One of his daughters became the wife of Colonel Andrew L. Martin; another, the youngest, married his brother, James D. Martin, also a distinguished lawyer.

Alexander B. Bradford, the first solicitor general of the fourteenth circuit, was a brilliant man, being the possessor of great natural ability, and was one of the best and the most successful prosecutors in the State. He left Tennessee some time after he went out of office, for the State of Mississippi, and was one of the distinguished men thereof who won fame in the war between the United States and Mexico. In 1836 he organized in this county a company of cavalry which formed a part of the first Tennessee regiment "Mounted Infantry" of which he was elected colonel, and which he commanded in the Florida war. His regiment was engaged in all the important battles of that war, conspicuously so in the battle with Osceola on the Withlacoochia river. In the war with Mexico he was lieutenant colonel of the famous First Mississippi regiment which won imperishable honors in the battle of Monterey and that of Buena Vista.

Jesse Russell came to Jackson from Greensboro, North Carolina, January 1, 1822, and, in the year 1823, married a daughter of Major Charles Sevier, his being the first marriage that occurred in Jackson. Their son, Robert S., whose birth was in the same year, is said to have been the first male child who was born of permanent settlers of Jackson.

The attorneys to whom I have alluded were men of sound judgment and of practical sense. Indeed, few counties in this State could boast of a more brilliant bar than the one which they constituted. At that day questions of law were of the simplest kind and, therefore, in their investigation did not require the expenditure of a great amount of legal learning. Cases were tried and settled on their merits and on their equity. In fact courts were held that men might have justice, not that they might find a way to escape it.

The first judgment rendered by a court in this county was in Alexander's office. The plaintiff was John Grace, and the defendants Drury and Betts. By consent of the plaintiff judgment was held up until the next term of court. Those defendants are the men who originated the old byword "Drury and I." As the story goes, Drury and John Betts were partners in a grocery business, or that which is now popularly denominated a saloon. According to the terms of their partnership when one of the firm took a drink he was charged with it, and if they drank together, such action was charged to their firm. Betts could write, Drury could not, so Betts was the bookkeeper. In due time Betts died and his surviving partner got a bookkeeper to take the books of the firm and to make out a statement of its business. All its stock had been disposed of and its only assets left were its accounts. Upon examination of its books the principal account which they showed was the one that consisted of charges against "Drury and I."

The first court house built in Jackson was erected in 1822 by John Houston, for which he was paid by the county $135. That building stood a few feet back from the north gate of the square and in front of the present court house. It was built of logs with a dirt floor, the judge's bench and door were made of hewn puncheons, and the chimney was of sticks and mud or "daubed." There was not a piece of sawed lumber used in its construction.

The first County Court held in the new court house, and in the town of Jackson, was on Monday, September 16, 1822.

The first case recorded was one of William Newsom against John B. Hogg and Robert H. Dyer for a debt of $270. Judgment was given. The first criminal case was the State against 'Squire Dawson, who was found guilty of petty larceny. He

was sentenced to receive twenty lashes on his bare back and to pay one cent costs.

The sale of lots in the town of Jackson began July 4, 1822, and lasted about one week. Joseph Lynn was allowed $20 for whiskey furnished at the sale to encourage bidding. The first purchasers of lots were George Todd, Herndon Harelson, Mark Fisher, Duncan McIver, Wm. Broden, Wilson McClellan, James McKnight, Vincent Harelson, David Horton, J. H. Ball, Isaac Curry, Wm. Espy, Alex B. Bradford, W. L. Flener, James Burress, James K. Polk, Ivy and Breckley, S. F. Gray, S. C. Crofton, Roderick McIver and M. Leggett. These were the only lots sold in 1822. James K. Polk bought three lots, the aggregate cost of which was $582. The sale was continued from time to time. There is not one of these lots sold at that date which now belongs to the family, or heirs, of the original purchasers.

From the best information which I have been enabled to obtain, I am authorized to say that the first house built in Jackson was the Shannon Tavern. It was on the northwest corner of what are now Shannon and College streets. It was constructed of logs and had a brick chimney. Thomas Shannon was its proprietor. A little later a Mr. Theobald built another tavern on College street near the end of what is now Liberty street. College street was then called "Knotchy Trace," and was the main road of the new county.

Soon after the erection of Shannon tavern, Anthony Grey, who was the first merchant in Jackson, built a small log house near the crossing of the Illinois Central Railroad and College street. His stock of goods was so small that a strong man could have carried it on his shoulders. Shortly after Mr. Grey opened his little store he took for a partner a man by the name of John Hyde, his nephew, and the stock and business were considerably increased. Soon after this Mr. Hyde opened a store east of where the Arlington Hotel now stands, on Main street. Henry Lake began business about the same time on Baltimore street on the west end of what is now the post office lot.

About the year 1823 Alexander Patton, an Irishman, opened a store with a large stock of goods for that day, on the southwest corner of Main and Market streets. Mr. Patton was a liberal, generous, and large hearted man, and became very

wealthy. He owned ninety-six acres of land in the western part of the town. About 1831 he built a two-story brick residence, which was at that time the finest residence in the town, on the lot now occupied by what is known as the old McCorry homestead at the west end of Main street. The rooms were 24x28 feet, with folding doors between. That house was destroyed by fire on the 10th day of September, 1847, after it had passed into the possession of Mr. H. W. McCorry. Mr. Patton had a boat yard near the mouth of Sandy Branch, one mile west of Jackson, and did an extensive business in buying and exporting cotton.

About the time Alexander Patton began business there came another merchant whose name was for almost a score of years prominent among the business men of the State. This man was William Armour. He built a large business house on the lot now occupied by the post office building, and fronting on Market street. He took as partner a man by the name of Cromwell, and another by the name of Henry Lake, who were his brothers-in-law, and the firm was known as Armour, Lake & Cromwell. This firm had a boat yard at what is now the McClanahan levee bridge; they had several branch stores in North Mississippi and at points in West Tennessee. They did an extensive business, in fact no merchant or firm has since their day done as large a business. Armour, Lake & Cromwell failed in 1836, a year that was so disastrous to the business interests of the country.

Robert Lake built the first brick residence, worthy of that name, in Madison County. That building is still standing on South Market street, and is known as the "Miller Place." It was erected about 1828.

William Armour, "Lord Armour," as he was called, built an elegant brick residence in 1830, on the corner of Market and Baltimore streets. That house has been added to and is now known as the Armour Hotel. The original building was modeled after the home of Charles Carroll, of Carrollton, Md., who was a friend of Mrs. Armour.

Rawlings and Butler built a brick store on the northeast corner of Main and Market streets, where the People's Savings Bank now is.

Antry and Duncan were also early merchants. Mr. Antry went to Texas with Davy Crockett and was killed at the Alamo.

Martin Cartmell came to Madison County in 1821 and temporarily located at what is now Homer, where he remained until the location of the county site. He bought the lot on Main street where he built a store, and in it made saddles and harness. He was a careful, painstaking business man, possessing a character honorable and upright, and was honored for his sterling worth by all who knew him. Mr. Cartmell was born in 1797 in Frederick County, Virginia, and came to Nashville, this State, at an early date, and then to this county as before stated. He accumulated a large fortune, and was a director and stockholder in the old Union Bank.

Barney Mitchell had a store on Lafayette, between Central alley and Market street. He was an Irishman; in character somewhat erratic and very industrious. It is said of him that rather than be idle he would one day carry a pile of bricks which he kept in his lot to a certain walk and the next would carry them back.

These were the pioneer merchants of Jackson, and to them this county owes much for the creation of the foundation of its commerce and of its present wealth. They came here when the country was new, grew up with its development and extended their business throughout West Tennessee and North Mississippi. The merchants of this county at that day purchased their goods in Cincinnati, in Philadelphia, in Baltimore and in New Orleans. The goods from the three last named cities were brought to Jackson in keel boats via the Ohio, Mississippi and the Forked Deer rivers. Those from Philadelphia were hauled in wagons to Pittsburg, and from there came by boat.

The first boat that ever came up the Forked Deer river was commanded by Barney Mitchell, and was of the class called keel boats. That boat was loaded with groceries and merchandise of all kinds. The cargo was landed at the mouth of Sandy Branch, one mile west of Jackson. I do not know the year, but think it was about 1822. Mr. Mitchell, on his first trip, encountered many obstructions in the Forked Deer river which had to be removed, and which delayed him so that he was several months in making the trip.

Next after Mitchell, a man by the name of Murchison, whose descendants still live in the county, made the voyage of the Forked Deer river in about two weeks.

In 1828 a number of flatboats were built for the purpose of carrying cotton, corn and other produce to New Orleans. Those boats were built by Patton & Co. and Armour, Lake & Cromwell, and they gave a wonderful impetus to cotton growing. The first flatboat was built by a man by the name of S. Burres. Among his crew was Captain William Hopper, who made fifteen consecutive trips to New Orleans. E. F. Gray, "Old French," as he was called, who had a partner, a man by the name of Jack Copeland, continued to make trips annually to New Orleans for twenty-eight years, and until the era of railroads was inaugurated. With the advent of railroads, disappeared a class of men who deserve more than a passing mention. They were hardy, brave and honest fellows who encountered great hardships in pursuit of their avocation. This country owes much to those men. When their avocation was gone, they went to Mississippi and the Ohio river, and to the West, where they died in due time.

The first brick house built was a small office near the northeast corner of Market and College streets, where Eppinger's bakery now stands. That building was erected for and occupied as a law office by Judge John Read, about 1823 or 1824. The next brick house was a small residence, still standing, on Baltimore street, east of C. G. Bond's residence. It was built for a man by the name of Johnson, who sold it to DeGrove, Jackson's first tinner. Mr. DeGrove sold it to several charitable ladies of the town who gave it to a widow, Mrs. Swan, who supported herself and five little children by sewing.

The first brick store house was possibly one built by Butler and Rawlings about 1825; that building, with a third story added, is still standing, and is now occupied by the People's Savings Bank.

Soon after this a number of brick buildings, both business houses and residences were erected. Many of these are still standing and occupied. Among these I mention the Robert Lake residence, now known as the Miller Place on South Market street; the Towler Place on Baltimore street, built by James Caruthers in 1830; the Armour Hotel, built the same year by William Armour; the John S. Miller homestead, built by Colonel R. I. Chester in 1831; the Bigelow Place on North Royal street, built about 1830; the Fenner Place on Baltimore street, built by David Armour in 1831.

Vivian Brooks, grandfather of Dr. Herman Hawkins, now a resident of Jackson, built a frame residence on the corner of Church and Lafayette streets in 1824. Part of that building is still standing; it has been added to and is now known as the Woollard Place. Mr. Brooks sold that house to Dr. A. A. Campbell, who, besides being a physician, was the first pastor of the Presbyterian Church.

Judge Joshua Haskell settled two miles north of Jackson, in 1822, where he built a comfortable house in which he resided until 1835, when he moved into town and built a house on what is still called "Haskell's Hill," East Main street.

Besides the taverns, as they were then called, which in Jackson's earlier days were kept by Thomas Shannon, and James Theobald, Major Charles Sevier conducted one which was situated on the lot on Main street west of Shannon street. Moreover, that tavern had the distinction of being the birthplace of a Mr. Robinson, Jackson's first male child, who boasted that he was so honored long after he had become a popular citizen and a leading lawyer of Hernando, Miss.

A little later, about 1826, a man who bore the name of "Hyde," built a tavern on the lot on which the New Arlington is now situated. Not only did that tavern, because of the "good cheer" which to its guests it abundantly administered, acquire much fame, but while it was conducted by Allen I. Patterson, and finally by Samuel Luckey, was the headquarters of the leading Whig politicians of West Tennessee. Contemporary with the Whig headquarters or the "Jackson Inn," as it was popularly designated, was another, which had "Lafayette" for its name, and before it ceased to care for the comforts of "man and of beast," was conducted by three proprietors, Rudisil, Coorpender and Johnson, each of whom was popular and commanded public confidence. The site of that inn is on the north side of Lafayette street, between Central alley and Market street, and is now occupied by splendid business houses, and which in attractiveness are close competitors with the Murray block that now graces the lot on which flourished for a while Jack Kincaid's famous inn, "The Rising Sun."

The first marriage which occurred in this county was that of R. S. Jones and Canada H. Curtis. That ceremony was per-

formed by Adam R. Alexander, January 1, 1822, in Alexandria.

Samuel Jones, son of Elijah Jones, was the first child born in the county. That event occurred in 1820. The first female child to be born in Jackson was Archelico Ann, daughter of Samuel Swan and wife, but the date of her birth I cannot give. In fact I find it impossible to give exact dates and locations of many early occurrences in the history of this county. There is no record of such events and the witnesses to them have long ago crumbled into dust, leaving only their traditions. The old people now living in the county who descended from its pioneers do not agree in many important particulars as to dates and in places; for that reason I am left in a measure to conjecture.

The first death of which I can find any record that occurred in this county was that of a man named Lanty, in 1822.

(*To be continued.*)

ROBERTS PAPERS.

[General Isaac Roberts (1754-1816) was one of the pioneers of Middle Tennessee. He was the first chairman of the Court of Pleas and Quarter Sessions of Maury County. He held military commissions from North Carolina, the Southwest Territory, and the State of Tennessee. He was appointed brigadier general of the Fifth Brigade of Tennessee by Governor Sevier, in 1804. This position he held when the war of 1812-15 came on. He sided with the troops in their construction of the term of service in the Creek War. His court-martial followed. The papers here presented relate to his military service, and particularly, to the court-martial proceedings. They are preserved by his granddaughter, Mrs. Joseph H. Fussell, of Columbia, Tenn., by whose kindness we are permitted to publish them.]

MILITARY ORDER OF GENERAL ROBERTS.

Columbia, June 22, 1812.

Captain Benjamin Reynolds with his Company of rangers will immediately proceed to the Northwest Corner of this brigade on Duck river and at proper distance from the Settlement range twice each week from thence to where the Southwest boundary of this brigade intersects Madison County, he will use all diligence to discover if any party of hostile Indians Approaches the settlements to disturb the peace and tranquility of our good Citizens who he is intended to protect, if he should meet with any such party or partys he will treat them as common enemies and make an example of them to the terror of all others in future he will be Careful that he does not interrupt any friendly Indians but if any depredations Should be Committed along the Frontiers under his protection he will use every exertion to detect and punish the offenders he will regularly report to Me every Thursday by one of his party who will Meet him again at Such time and place as he May appoint those: Services will be continued until further orders. ISAAC ROBERTS,

B. G. of the Fifth, Brigade.

GEORGE COLBERT TO GENERAL ROBERTS.

Tennessee River Nov. 27 1812.

Sir:—On the evening of the 25th of this month I was informed by some travellers that there was parcels of Creek Indians at

Bear Creek drinking, that they inform Joseph Underwood, that they were Creeks if I ever felt any agitation in my mine I felt that night to think that Captain Underwood would suffer anything of the kind, so next morning soon I set off to see if it was possible, but as it happen, I found to the contrary and Underwood denigh of ever teling anybody, and no Creeks have been there, but when the news get to the settlement will grow bigger but I candedly assure you no such thing, however if we should see any in this country we will tell them to go home and if they don't go, we immediately give your notice.

I am Dear Sir yr friend

BROTHER GEOR. COLBERT.

[General Isaac Roberts, near Columbia, Tenn.]

MILITARY ORDER OF GENERAL ROBERTS.

Brigade Order, September 26, 1813

I am authorized and required by orders from the major general of the 2d division to call into active service 200 infantry from my brigade to Rendesvouse at fayetteville on Monday the 10th of October next well armed and equipt—to be Raised by Draft or Voluntary inrollment it is Confidently believed that on this occasion there will be no Deficulty in procuring the number Required by Voluntary tender of Service the more especially as they will be priveledged to Chuse their own Company officers and be Credited for a tour of Duty, and as time will not admit of a Regular mode of proceeding therefore ordered that the County of Maury the County of Bedford & Lincoln Each furnish one full Company Each to Consist of one Capt one Lt one Ensign 6 Sargeants four Corporals one Drummer one fifer and sixty-six privates—none will be Required from giles County as they are the most exposed fronteer Capt William Dooley of Maury County having Raised and organized a full Company who have tendered their Services are excepted for the County of Maury—on thursday next those from bedford County who may wish to tender their Services will meet at the town of Shelbyville and be organized into one Compleate Company and those from lincoln County will meet on friday next at fayetteville and be organized into one Compleate Company—Colonel Benjamin Bradford and Colonel Giles Burdet will attend at Shelbyville and Colonel

Wright Williams and Colonel William Y Higgins will attend at fayetteville on the day above mentioned and Conduct the measure with all possible harmony.

the Requisition being from the whole of the 2nd division it was proper that the Senior Brigadier and field officer should be Called to Command they are accordingly ordered

in obedience to my Countrys Call I chearfully Step forward and am in hopes I shall meet the approbation of my Countrymen & be supported by some of the brave sons of the west in Repeling the Savage for every man will go determined to do his duty Strict Decipline will be necessary and Required

When a Company is organized each Capt will procure a good waggon & team to transport the baggage &c of his Company the expenses of which will be paid by the assistant deputy quarter master.

ISAAC ROBERTS,
B. G. of the 5th brigade.

GOVERNOR BLOUNT TO GENERAL ROBERTS.

Baxter Grove, December 15, 1813.

Dear Sir:—Yours of the 10th did not get to Nashville until yesterday morning and I read it last evening—I have such confidence in you that you will do for the best that I cannot say more or less than that I approve of the course you have taken to get your Brigade completed and that I wish you to do it as quickly as possible in the best way you can to promote the service—my want of proper and timely instructions from the War Department (and about the present course you are taking to promote the good of the service I have no instructions) is a cause of regret and embarrassment with me but we must do the best we can under all circumstances—I repeat to you that I wish you to act for the best in your judgment on the present emergency—I shall be satisfied—there is no time to be lost about forms.

When I was ordered to cause the militia to be detached agreeably to the act of Congress I was instructed to have them detached for six months unless sooner discharged by the order of the President—when I was required to call those militia into service for this campaign I was not informed either by the Secretary of War or by our law what length of time they were to

serve. I have written to the Secretary of War wishing to know how long they are to serve and how their places are to be supplied, but have not yet received his answer. I have informed General Jackson of this and that I should without loss of time let him know the Secretary of War's answer after I receive it. I wish the Tennessee Troops whose services have been important to be paid and they had best continue in service quietly until the Government orders their discharge or otherwise the consequences might be bad as relates to their pay—this is mentioned by me as their friend wishing that they may get their due and in the meantime shall be attentive to getting and giving the necessary information for them respecting their term of service.

I have written to Colonel Hays to attend at Fayetteville on the 17th instant to Muster the men but not getting your letter in time he may not get there on the day—you will act for the best. I am Sincerely yours,

WILLIE BLOUNT.

General Isaac Roberts.

REPORT OF GENERAL ROBERTS.

Fort Strother, January 30, 1814.

Sir:—In obedience to your order to me of the 30th ult; I proceeded to execute the said order as far as was practicable, and in Madison County I found about one thousand troops who had been mustered into service of the United States under the command of Colonel Perkins. They were Cavalry or Mounted Infantry. Being disposed to take the earliest opportunity of securing troops to effect the object of the order I demanded of Colonel Perkins one company of the mounted men and had selected Colonel Pippins' acting as Captain of a Volunteer company of mounted men with his company to assist me in executing the said order.

The colonel gave substantial reasons for not complying with the demand. As follows; That if one company were taken from the troops there assembled that it would be the cause of much confusion that such a step might break up the whole camp and that the publick would sustain more injury than it could possibly receive benefit from such a course of procedure. I then consulted your aid, Major Searcy, General Coffee, Mr.

Blackburn and Colonel Carroll they were all of the same opinion. General Coffee then favored me with the perusal of a letter from you informing him that the thirty-ninth United States regiment was at your disposal. I then proceeded to the cantonment near Nashville and ordered the commanding officer to meet me with two hundred of his troops at Columbia on the 14th inst. to assist me in executing said order. I received the following answer, to wit:

Cantonment near Nashville, January 10, 1814.

Brig. Gen. Isaac Roberts:

Sir:—I have the honor of acknowledging the receipt of your order of this date founded on the order of Major General Andrew Jackson for purposes therein expressed (whatever pleasure Sir, I might feel) in complying with the order I think it impossible for the following reasons. I am under marching orders so soon as the clothing of the regiment can be completed which is not effected. Secondly. I am without arms. Thirdly. Transportation and provision cannot be procured in the time specified in your order. I have the honor to be

Sir yours etc.,

JOHN JONES,
Capt. 39th U. S. Infantry.

Commanding in the absence of Lieutenant Colonel T. H. Brown.

Thus failing in coercive measures and receiving your order of the 6th. on the 16th. Instant apprising me of the dangerous situation of the magazine and publick stores at this place I then lost no time in applying to the Captains notwithstanding the severity of the order with respect to them to use their exertions to collect their companies and return to their duty, reminding them that it was the pride of a soldier to face danger and also apprized them that the mind of the commanding general is susceptible of generosity to a soldier. They have generally exerted themselves. Captain Pattan and Captain Harris used their best exertions to collect their companies. And they marched on with me to this place like brave fellows to do their duty at all hazards. Captain Pickens I am advised will be here to-day or to-morrow I think Captain Wilson will be here in a few days with his company part of which is already here and attached to Captain Pat-

tans company. Thus I hope it will appear that if I have not executed said order literally, I have done what will justify me with the commanding General. I hold it as a principle attached to the ordinary duties of an officer when the publick good may require it to take some responsibility on himself. It only remains for me to petition that the officers above alluded to shall receive a full and unconditioned pardon as well as the privates that have or will return shortly to their duty. I hope the reasons I have given will be satisfactory. If so and if I do not stand implicated in my official conduct and as General Johnson is now ordered out by the order of the executive of the State of Tennessee with 2,500 militia to supply the deficiency of my Brigade whose term of service had expired both by the laws of the State of Tennessee and by the laws of the United States, authorizing the calling out of the militia when the United States shall be in iminent danger of invasion from any foreign nation or Indian tribe it becomes my duty to petition that I and my Brigade may be honorably discharged with assurances that when my services with my influence may be needed that a call from the commanding General will be promptly attended to. You will please accept assurances of my well wishes for the prosperity of the arms under your command. I have the honor, etc.,

ISAAC ROBERTS, *B. G.*

DEFENSE OF GENERAL ROBERTS.

In regard to my not executing the order requiring me to confine and bring the men back to headquarters under strong guards I did not then or do I now believe I dare to execute it literally, inasmuch as I did not think them legally bound in the service of the United States and if not they were certainly free citizens and as such were I to deprive them of their liberty I should be prosecuted and punished for so doing. If I commit an unlawful act—being ordered so to do by another person will not justify unlawful proceedings. But being informed by the General's order of the 6th of January that the public stores and magazines were in danger of being lost and wishing to meet his views and serve the public I again with the assistance of the officers prevailed on the most of those men to return and protect the fort and public property. I went on with them the second time and

petitioned that officers as well as privates should receive a free and unconditional pardon and further petitioned that as General Johnston was in motion with his brigade and as mine whose terms of service both by the law of the State of Tennessee and the law of the United States had expired had gone home and if I did not stand implicated in any part of my official conduct that I might be discharged. In answer to which I received the following order, to wit

MILITARY ORDERS OF MAJOR GENERAL JACKSON AND BRIGADIER GENERAL ROBERTS.

Headquarters fort Strother, January 31, 1814.

Brigadier General Isaac Roberts:

Will on the morning of the first day of February, next, take up the line of march, with Colonel W. T. Perkins and Colonel Wm. Y. Higgans' regiments of volunteer mounted Gun men from West Tennessee, whose time of service expires in sixty days from the time they were first mustered. You will march them by fort deposite from thence the nearest route that provisions for the officers and men, and forage for the horses can be plentifully obtained to Fayetteville, Tenn., when you reach Fayetteville you will please have them regularly mustered out of service and discharged. Colonel Robert Hays is expected to be at that point now, engaged in mustering the new levies into the service of the United States. He is the legal agent of Government for mustering men in and out of service. These brave men tendered their services at a very important crisis when their services were much wanted, at a time when I was left almost without men, and the magazine stores exposed to the enemy, for the want of men to protect them for their patriotism they deserve well of their country They formed a junction with me on the 14th inst., marched with me on the late excursion against the Creeks and on the heights of Emuchfau in two engagements, many of them distinguished themselves—many fell and nobly bled. On the return march a Enotechopco, many of them again distinguished themselves—they have done important services to their country. They merit and receive the thanks of their General. You are required as far as the supplies in the country will afford to have them well supplied with forage for their horses and sup-

plies for themselves on their return march. After they are mustered out of service they will be entitled to one days pay and rations for every twenty miles until they reach their homes. When you have performed this service, unless ordered by the Governor to take the command of the new raised levies you will retire home there to await the orders of the Governor.

I am very respectfully Yr. mo. obe. Servt.,

ANDREW JACKSON, *Major General.*

The Commanding officers of the first & second Regiments of mounted infantry who have served on the late Expedition under the Command of Major General Andrew Jackson against the Creek Nation whose Services Commenced on the 20th of December last will cause their respective Capts. to make out Complete muster Rolls for their Companies with an estimate of milage from this place to their places of Rendisvouze in the Counties where they were Raised they will Perade their Regiments at this place on the 8th of this instant to be mustered out of servis and Receive their Discharges from thence march them home.

ISAAC ROBERTS, *B. G.*

Fayetteville february 5th 1874.

the muster master will attend at this place on the 8th instant at 4 oclock A.M. to muster the above Regiments out of Service.

ISAAC ROBERTS, *B. G.*

February 7th 1814.

On the 8th of February, while in the execution of the above order at Fayetteville, I received the following summons and order from the General: [Here insert the summons and order.]

After returning giving evidence in the above cases and the court-martial had decided that the prisoners should be suspended from command for twelve months and be deprived of their pay and emoluments for their past services my own testimony on the trial is now barbarously brought forward to operate against myself. The words attempted to be proven as disrespectful of the commanding officer at the Indian cabin if spoken at all were spoken in anger after riding the greater part of ten nights and being very much perplexed and those words, attempted to be proven by Captain Patton at other times is supported by no testi-

mony but his own. My official report was made after the whole occurrence of the men's turning back had taken place and when I was blamed on the one hand for their going back and on the other very much disappointed and mortified that they would not return with me to camp after I had been at so much trouble and fatigue in raising and bringing them out and riding the greater part of the night with another address which I thought might satisfy them and using my best exertions to get them back and telling what might be the consequences if they did not return to camp. I did think they had little regard for my feelings their country's cause or their military character, nevertheless I did not report them mutineers and deserters as I did not think them completely bound, but said that they wheeled about in a mutinous manner and returned back. My sole reason for not marching the men into camp was that I wanted both the General and the men to understand when they were to be discharged so that there might be no danger of mutiny at the expiration of the time as had been in almost every case both with the volunteers and militia and that the men might not have just cause to say that I had deceived or entrapped them.

Being hurried into the trial I have been deprived of the testimony of Colonel Joseph Brown my most material witness to prove that I used my best exertions to get the men to return back to camp and that I read the General's order and second address to them. When the first address was read I was taken at surprise as I did not know one word that it contained until it was read by the adjutant general. Before I had time to reflect much on the subject the mischief was done but did expect that it would be satisfactory to the troops until they took umbrage at finding that they were not recognized by the government and they were not entitled to pay for their services and the General had said that it would not go for a tour of duty.

[BRIGADIER GENERAL ISAAC ROBERTS.]

DRAFT OF LETTER BY JOHN McNAIRY.

Dear Sir:—A few days since, for the first time I was informed, that the president had sent back to the Governor, the proceedings of the court-Martial in the extraordinary forced and hasty trial of me on charges therein set forth, and was also informed that

my prosecutors have ordered that the same shall be sent immediately back and that the President *shall* act on them. If there was nothing more I think this is conclusive evidence of the rancourous malice and personal enmity of my enemies, and all this because I would not be a passive pliant sycophantic tool. My good opinion and knowledge of your character induces me to write thus feelingly to you, and therefore hope you will be kind enough to let me know what course this matter is likely to take, and also inform me whether there are any steps I ought to take. I will take the liberty to state to you that I think this trial was illegal, and that it appears on the face of the proceedings, apart from the monstrous manner in which it was carried. I was even told that I had no right to object to the court as the Major General had ordered it.

The Court which tried me was composed principally of officers of inferior rank, when it might have been composed of field officers, men who knew more of service, I think also the number was not sufficient. The rank and number appears from the face of the proceedings, which I wish to be brought to the attention of the President. I would beg lieve to refer to the 75th, 86th and 64th articles of the act establishing rules for the government of the army, and wish you if you please to bring this also to attention of the president. Knowing no person at the city on whom I as much rely I have taken the liberty to give you this trouble. Accidental fortuitous circumstances have rendered some men so great, that one might as well stem the greatest torrent of lava from Mount Etna, as to control the course of events wished by them, and if I must be carried irresistably to destruction, so it must be. My excitement may have carried me too far in writing this to you, and I hope you will have the goodness to pardon me. These are sentiments, however, that I do not care who sees or hears them.

I am with much respect and Esteem your obt. Sert.,

P. S.—I have no doubt that I was marked out for a scape Goat before I entered the service, and therefore I suppose must be sacrificed upon the altar as a lesson to others. I. R.

If you approve of this letter you must copy it in your own handwriting before you send it on.

[This letter is in the handwriting of Judge John McNairy.]

McNAIRY TO ROBERTS.

Bellview, April 13, 1814.

Dear Sir:—Agreeably to your wish I have written to the hon'ble George W. Campbell and you have a copy of my letter enclosed. You will please take care of the copy as I have none but that.

I spoke to Mr. William Jack & Colo. Robert Weakley and they both cheerfully wrote also.

We have no news here, but what is common in the news papers. Act with circumspection firmness and prudence.

Bernadotte says of Buonaparte that "he has not one friend in the world." This might extend to several others—

I do not wish my letters to be made publick. Give my respects to your good lady & family. Your friend

JOHN McNAIRY.

Genl. Isaac Roberts.

McNAIRY TO CAMPBELL.

Nashville 27th March 1814.

Dear Sir:—Brigadier Gen'l Roberts I have known more than 24 years, in all that time he has supported an unblemished character, esteemed by all an honest man, ever ready to perform useful services to his country, and has performed much in the worst of times, and I do believe there is not a man living in our State a greater friend of his country than Genl. Roberts, or who would do more than him according to his talents and circumstances, for the benefit of his government or country. he has participated in all the toils and hardships of the present Creek campaign, and I have understood acted very bravely. he informs me, that he has been arrested and tried by a court-marital, and that he believes the sentence of the court has been or will be sent on for the confirmation of the President. I know nothing of the facts of his case, not having heard or seen the evidence, therefore it does not become me to speak of or concerning them; but I am well persuaded, and do believe that if he has done wrong or committed an error, that it has been by mistaking his orders, want of information as to the particular point, or from some sudden government of the passions, and not from any settled design to injure the service of his country. Believing that the

president of the united States has a discretionary power in all cases of this kind, and having no acquaintence with any of the officers in the principal departments of Government, except with you, I have taken the liberty to address you on this subject, believing that should you deem it correct and proper you will render any service to Genl. Roberts in your power, consistent with your duties as a man and publick officer.

I am respectfully, Sir your obt. servt.,

JOHN MCNAIRY.

The Hon'ble George W. Campbell.

P. S.—That a man in the eve of life having previously deserved well of his country, should be crushed and live miserable the small remnant of his days, is a lamentable circumstance, and I with deference presume ought to be avoided, unless the good of the government or people imperiously demand it: and I am perfectly satisfied our Government have no wish to exercise unnecessary rigor towards any man. J. McN.

CANNON TO ROBERTS.

Washington City, Feby. 19th, 1815.

Dear General:—Yours of the 6th inst. has been duly recd. and its contents noticd. from what I have learnt you can only be restord. by prevailing on the President to set aside the proceedings of the courts martial I have several times spoken to Mr Wharton and others representatives from our State and proposd. to petition the President to do so and I believe this course will not be objected to by any as I yet know of. I will endeavor to get them together to join me in this it is the only course to release you to effect which I feel it my duty to make every exertion. Your meritorious services to your country I conceive deserves this interference. However I cannot pretend to say whether or not it will succeed.

The news of peace with England will reach you before this, the ratifications of the Treaty were exchanged at this place the day before yesterday late in the evening. immediately after the arrival of Mr. Baker the British agent appointed for that purpose yesterday the american and British Flags were hoisted together on the theater of this City and in the evening a most splendid illumination took place with the Greatest demonstrations of Joy.

It has pleasd. the almighty dispenser of events to crown our arms again with success and restore to our country and honorable peace. it is seald. with blood. let us cherish it. I am with respect and esteem Yours &c

N. CANNON.

Genl. Isaac Roberts.

SKETCHES AND ANECDOTES OF THE FAMILY OF BROWN AND SOME OTHERS WITH WHOM THEY ARE CONNECTED, OR FROM WHOM THEY ARE DESCENDED.

[*Continued from page* 243.]

MORGAN BROWN FOURTH.

The fourth Morgan Brown was born at the Grassy Island, on Peedee river, Anson County, North Carolina, on Friday at sunrise, the thirteenth day of January, 1758. At that time the country was thinly inhabited; the first settlements were only about thirteen years' standing, and neighborhoods, and even individual families were greatly detached. There was not a school in the county, and the prospect of education was very unpromising. The early part of tuition was undertaken by a fond and affectionate mother, at so early a period that it is scarcely remembered. Reading and writing were attained at so early a period that they seemed almost as natural as speaking or playing, and except some few little incidents would not now be recollected; inquiring the reason of the date is one circumstance, but then it could be legibly written. The learning to plat a tract of land is not remembered —it seems as though it had always been imprinted on the mind. It is probable that seeing it so often done, and at so early an age, all recollection of first impressions is lost. But here ended the early progress. There were neither books nor teachers in the country: what the mother could teach was readily imbibed, but this was limited to a narrow circle of acquired knowledge, for it was not yet common to pay much attention to the education of women. As the country increased in population, teachers were employed; but like all other new settlements, the first of them were but indifferent, being barely capable of teaching the common acquirements of reading, writing and arithmetic. Several years' attendance upon these served to confirm what the mother had taught, and in some instances extend and enlarge the circle of knowledge a little.

Happy it is for mankind, that the instructions and rules of colleges are not the only means of acquiring useful knowledge! Men educated in a limited and desultory [way] imbibe the most permanent principles of liberty while the free but enquiring mind roams at large and seizes upon knowledge wherever it may be found. When there is a thirst for knowledge, and liberty of enquiry and pursuit, the unfettered mind soars aloft in pursuit of science and rarely descends without acquiring its object. The most useful parts of science are generally the most obvious to the understanding, and political principles imbibed in the unrestrained exercise of the faculties, are those of the most useful and practical nature. Under such training far the greater portion of the patriots of the Revolution were formed. It is said by an eminent European writer, if Doctor Franklin had been bred in a college, he would never have been the philosopher and statesman, at the head of science and political morals. Nor is it presumed that Washington was less a patriot, soldier, successful general, energetic, prudent and cautious statesman and renowned father of his country, for want of a collegiate education. But I would not have it understood by anything I have here said that I am inimical to seminaries of learning. I only wish they were more abundantly distributed throughout every part of the country and under better and more liberal government and regulations. But I return to my subject.

My father intended me for a physician, and although the schools of the country were of little account, I was kept constantly at them for four or five years, after which I was to have been sent to an academy at Charlotte, in Muhlenburgh County, then recently established. But my father having some business in Maryland, in the year 1774, when I was about fifteen years old, sent me on the long journey, with little company and less protection; for the man I traveled with left me about four hundred miles from home, by the roadside, in a high fever and delirium. When I recovered my recollection I found myself weak, sick, violent headache and greatly discouraged. I wandered from the road and after some time came to a house where I was hospitably entertained. The next day, being better I pressed my journey in hopes of overtaking my faithless companion but without effect. I never saw anything more of him

on that journey. I crossed Chesapeake Bay at Annapolis in a hard gale of wind, and having to pass a British sloop of war, was hailed and a little detained by her; for although hostilities had not yet actually taken place, every appearance was threatening. But upon the ferryman assuring the captain he had none on board but a sick lad from Carolina going to visit his friend, we were permitted to pass. It was truly a boisterous day and the wind ahead, it took the whole of it to reach Kent Island. And with truth I can say it was the sickest day I ever experienced! However, at night I came to my aunt, Rachel Brown's, widow of my uncle, Dardan Brown, and here I received every kind of attention, for she was among the best of women.

Being now among my relatives I visited my cousins, Morgan and Doctor James Brown, whom I had seen in Carolina; also my uncle, Joseph Brown; and my grandmother in Kent County, who was old but enjoyed good health. She made me sit by her, while she told me the history of the family, the account of my grandfather's death, the history of all her children and the families they had married into, the number and names of all their children and many anecdotes which if I could have remembered would have put it in my power to give a better account of the family than I have done. But my continued indifferent state of health prevented my enjoying myself with my friends, or much extending my acquaintance among them. I spent a few days at my cousin, Rebecca Ringgold's, and after a stay of about four or five weeks in the whole, commenced my journey homeward. *

At Potomax I fell in company with the noted J. F. D. Smith who wrote the first of those infamous pieces called "A Tour in the United States." He was then setting out upon his lying expedition to the southward; we crossed the river together, but as we approached Ludstown on the Rappahannock he left the road under pretense of visiting a friend, and I saw no more of him until I got to the southern part of Virginia. Here we fell

*I called again at my Aunt Rachel Brown's on Kent Island, and as her house was immediately apposite to Annapolis I had a clear view of the brig which was burned their loaded with tea. The circumstance happened the night I stayed there. I have been surprised not to see this mentioned in any of the early history of the Revolutionary War, when so much had been said of throwing the tea overboard at Boston!

in company again for a day's journey when he took the road towards the head of Dan river and I proceeded to Hillsborough in North Carolina. At this place I saw the first party of emigrant families that moved to Kentucky under the auspices of Judge Henderson. They marched out of the town with considerable solemnity; and to many their destination seemed as remote as if it had been to the South Sea Islands! This year was remarkable for the great May frost (5th, 6th and 7th), destroying the wheat in the ear and killing stout trees; and again as early as the 11th of September, the battle with Shawnees at the Great Kenhawa —and the settlement of the first families in Kentucky.

It was late in the fall when I returned home, and my intended commencement at the academy at Charlotte was postponed until spring. But before spring the increasing prospect of war was such that it was postponed forever. Hostilities commenced, and filled with zeal and enthusiasm for the liberties of my country I determined to give her my aid at every call, and devote my life to her service. I was now entering my seventeenth year; armed with a good rifle in hand, a pistol and tomahawk in my belt, and a silver crescent with the words *"Liberty or death"* placed on the front cock of my hat, mounted on a good horse I felt myself ready to rush into service upon the first exigency. This year, 1775, was remarkable for a total suspension of government, a circumstance rarely or perhaps never known before among a regular and orderly set of civilized men. At the May court, which was attended by a multitude of people, we received the news of the battle of Lexington in New England, the first blood drawn. The court was sitting; some of the magistrates were Whigs and some Tories. The news was first whispered, and then proclaimed. At first the people seemed struck with awe and silence, but in a few minutes became clamorous! The sheriff was ordered to adjourn court which he did in usual form until the last words which in form were *"God save the king."* These he omitted, and the Tory magistrates ordered him to conclude in the usual form, adding that "they would have him to know that the court sit in the King's name and by his royal authority!" Several people standing near the door forbade the conclusion in those words as it was the last time it ever should sit in the King's name or by his authority. Some high words

ensued and threats were used but the people all rushed out bearing the sheriff with them and leaving the Tory part of the court sitting by themselves; but they also soon left the bench.

After some time it was proposed to call court again. The people consented for them to meet and close some unfinished business upon condition it should not be called in the King's name, or that the words, "God save the King" should not be added by the cryer, "for" said they, "*we will have nothing done in the name of a King who has his troops slaughtering our citizens.*" And thus ended royal authority; for the court after closing their record never sat again! In the afternoon the heads of the people came together and concluded to appoint a committee of the most respectable men in the county who should exercise general and discretionary powers in the civil as well as military departments, so far as restraining wrongs and injuries among the people, and corresponding with the leaders of the other counties. This committee appointed a person to act as marshal or sheriff of the county to carry their resolves into execution; and this office fell to my lot, young as I was, though the appointment met general approbation, and I must confess I felt highly gratified as it was entirely unsolicited.

A similar change took place generally in the counties throughout the province, and with us business multiplied on our hands, for we had some Tories who appeared too violent to be left at liberty. These were ordered to be taken and kept under a guard until they promised to be peaceable, and such as were wholly refractory were permanently confined. The young men chiefly, who were able to arm and mount themselves pretty well, performed a general ranging and patrol duty throughout the country; suppressed insurrections of Tories and disaffected people, vagabonds and stragglers who fled from other countries; and all disorderly people, white or black. They frequently, by invitation, ranged into other counties and into South Carolina, and frequently received parties of a similar nature from other counties and from South Carolina. This gave the appearance of strength and unanimity, awed the Tories and encouraged the Whigs.

To be this particular in every instance would be to write a history of the Revolutionary War, for which I have neither time

nor inclination. But I thought it would be gratifying to my children to know how the bonds of government were dissolved, and how free and rational people may proceed to establish another of their own choice! It may be also a practical benefit to know that there is not such mystery in government and administration of justice as people are too apt to believe! Under the administration of the committees good order was preserved. If a man owed a debt and was suspected of removing without payment of it, he was ordered to pay or secure his creditor. If he refused or delayed his property was seized or sequestered until he did. The final adjustment of accounts was much better done by a couple of neighbors and the parties themselves, than any investigation in court I ever saw; and more business would be done in a few hours than the common mode of legal procrastination would finish in as many months, and in the end much more to the satisfaction of the parties. If men fell out their neighbors settled the differences, and I have known a complicated case, both of titles and boundaries of land, settled and finally decided by a few neighbors convened on the premises, in one day, and more satisfaction given than all the courts in the State would have done in seven years, and that without a cent of costs! Several instances occurred of men who had been some years at law with long and complicated accounts on each side, having them finally adjusted by two or three disinterested neighbors in a day or two, and greatly to their satisfaction.

This kind of government continued a year or two. The committees corresponded with each other in the different counties; appointed a general committee or council or safety; elections were held and members chosen for a convention—a constitution was formed—a legislature convened under the constitution, and laws were enacted. But like what was said of the pilgrims in New England, establishing the Bible as their code of laws until they had time to make better, the Carolinians established the British code and the common law, which they have been struggling under ever since! For it is absolutely the worst code of laws in the world, and too bad to be amended. The British are trying to get rid of it now themselves! If there was anything good in it—you never can be benefited by it, for it is completely enveloped in forms, technical terms, lengthy and various plead-

ings, affording the means of procrastination, recurrence to ancient and vague precedents, and enormous costs. The wealthiest suiters are ruined by the purchase of a decision, I will not say justice, for that is never obtained even by the rich; and the poor can have no pretensions to claim it! This system also embarrasses and oppresses the people by employing a host of officers, counsellors, barristers, lawyers, attorneys, pettifoggers, clerks, writers, recorders, marshals, sheriffs and their deputies, constables, bailiffs and catchpolls; all of whom have to be paid their enormous demands before a suitor can obtain a decree establishing the smallest of his rights! But I return to my subject.

An insurrection of the Scotch inhabitants of Anson and Bladen counties took place and bid fair to give us some serious employment, but the Whigs rose in arms so quick that they were intercepted at Moore's Creek before they got to Wilmington, the place of their intended rendezvous. Here an engagement took place and General McLeod, their leader, was killed, and his father-in-law, Colonel McDonald, with a number of others were taken prisoners on the battle ground; and a number more who fled, fell into the hands of a party who were marching in pursuit of the main body. McDonald, with the principal leaders, was sent to Philadelphia, and the rest liberated on a kind of parole and promise of good behavior.

The spirit of Toryism seeming now to be pretty well suppressed in this part of the country, I joined a regiment of rangers in South Carolina under command of Colonel William Thompson. The regiment consisted of between four and five hundred volunteer horsemen whose business it was to range in companies through the different parts of the State, to keep order and suppress insurrection. We were allowed twenty pounds per month, which was in full for pay, rations, arms and horse feed, for every man found himself provision, arms and equipage of every kind; and ranging the country was to be the sole duty and that to be performed on horseback.

Early in the spring of 1776 we took the field, and after ranging through some of the most disaffected parts of the State, gradually inclined towards Charleston, and in May camped at the mile house. We were, after some little struggle, some coax-

ing and some artifice, induced to leave our horses and in parties march on to the Sea Island, along the coast, and finally concentrate our force and encamp on Sullivan's Island, about fifteen or twenty days before the British fleet destined for that place appeared in sight. They cast anchor outside the bar, their largest ships having to lighten before they could cross, but after a few days they crossed and anchored inside the bar in five fathom hole until they refitted again. In the meantime they landed three or four thousand troops on John's Island immediately opposite our encampment at the east end of Sullivan's Island; about half a mile distant. A small inlet about sixty yards wide lay between us. A serious and perhaps a bloody battle now appeared inevitable, and various opinions as to the result were entertained. General Lee had come on and taken the command, but kept himself in the city, and we soon understood it was his opinion that the troops on the island were to be sacrificed; but our own immediate commanders determined to defend it to the last extremity. Every exertion was made to finish the fort (Moultrie) and we threw up a small breastwork of sand at the eastern point opposite the British troops that had been landed, and in this was placed an eighteen pounder and two field pieces, with a few artillery men. But our principal reliance was on the goodness of our rifles and our own skillful use of them—notwithstanding the odds appeared fearful—three or four thousand against three or four hundred, and very few of the latter who had ever burned powder in battle.

Every day seemed to bring us nearer the critical moment which would put our military skill and bravery to the test, when on the 26th of June, early in the morning, we saw a rocket rise high in the air from the admiral's ship. This we had no doubt was a signal to the troops on land to cross the inlet and attack us. We stood prepared at the water's edge, looking at the main body, apparently preparing for action; when from behind an oyster bank, a little to our left and about sixty yards distant, three or four hundred of the British rose up and deliberately fired on us! This was a complete surprise, for we had not the least suspicion of such a party being there. But what surprised us equally as much, not one man of us was touched, not a single shot took effect! But of a small party of Indians a little to our left, every

man fell, and at the time we had no doubt were every one killed; but we had the pleasing satisfaction shortly afterwards to see them every man jump up, run away and place themselves at a respectable distance behind us unhurt. Not such was our fire at the British. Our rifles were in prime order, well proved and well charged; every man took deliberate aim at his object, and it really appeared that every ball took fatal effect. It might have happened that several balls struck the same person, and no doubt it was the case, but the proportion which fell never to rise again was very great. This fire taught the enemy to lie close behind their bank of oyster shells, and only show themselves when they rose up to fire! But even with this precaution they were cut off very fast, for ours was a certain aim and deadly fire. We had no thought of drawing a trigger without an object! And although they were reinforced, and their dead and wounded carried off, their numbers diminished very fast until, in the space of an hour they ceased to fire altogether.

While we were thus engaged the enemy had discovered that the water between us was too deep to wade, and their boats too few to transport more than two or three hundred at a time, and such number might probably be cut off before they were reinforced; dropped the project altogether. Another reason, no doubt, had its weight: they could perceive that we also had a strong reinforcement lying some distance in the rear, although we knew nothing of them. The firing having ceased and the British party withdrawn to their main body, we had nothing more to do but stand and view the engagement at the fort. While we had been busily engaged with our immediate adversary for an hour or more, seven or eight of the British ships of war had taken their position immediately in front of the fort and commenced a most tremendous cannonade. The brave but deliberate Moultrie who commanded in the garrison, directed his engineers not to throw away a single shot, but by taking certain and deliberate aim sink every ship in its place if possible; and had General Lee entrusted them with sufficient ammunition at first, the orders would have been literally complied with and not a ship would ever have been able to retire from under the fire of the fort! In about two hours we observed the fire on our side greatly slacken. We were apprehensive of a surrender, or parley for that purpose

about to take place; and if the land forces had crossed and made their way to the unfinished back of the fort at this time, it might very probably have been the case. But on receiving a supply of powder from Charleston the spirits of the garrison were raised, the firing renewed and continued with great effect until sundown. One or two of the ships were blown up or sunk, and the remainder drew off in a very shattered condition with considerable loss.

[THE END.]

JEDIDIAH MORSE TO MOSES FISK.

[Jedidiah Morse (1761-1826), the author of the following letter, was an eminent New England divine. He published the first American text-book on geography, and was the author of several other books on the same subject. He was the father of Samuel F. B. Morse (1791-1872), the inventor of the electric telegraph; of Sidney E. Morse (1794-1871), who established the *Boston Record*, the first religious paper in this country; and of Richard C. Morse (1795-1868), who, in connection with his brother, Sidney E., founded the *New York Observer*. At the date of this letter Jedidiah Morse was pastor of a Congregational Church, in Charlestown, Mass.

Moses Fisk (1759-1843), to whom the letter is addressed, was born at Grafton, Mass. He came to Tennessee in 1796, and at the date of this letter was thoroughly identified in interest and feeling with the people of the Southwest.]

Charlestown, June 22, 1800.

My Dear Friend:—I had the pleasure of receiving your favor of the 28th ult., two days ago, and thank you for it very sincerely. I have long been waiting to hear from you. My health continues very good—never better—and it gives me great pleasure to hear you are so perfectly well—and that all things still remain quiet among you. I wish I could say as much for New England, but it is not so with us. We are a divided people, and party spirit never ran higher. The fever will not abate, I imagine, till the *election* of President, which is its exciting cause, is passed. The papers are filled with well-written and illy-written pieces for and against Mr. Jefferson's election. He will not, however, have a vote in New England either for President or Vice President. They will be unanimous, or nearly so, it is expected, for Messrs. Adams and Pinckney. I wish you to write me *particularly* how they will vote in Tennessee and Kentucky. We expect and calculate that both States will be unanimous for Messrs. Jefferson and Burr. Is it possible that a Christian people can give their suffrages to two professed Deists, and opposers of Christianity, to fill the two first offices in the United States to the exclusion of a professor of the Christian religion, who has grown

old in uprightly performing the most important services for his country? Do the people your side of the mountains know that both these men are hostile to religious instructions, and wish their overthrow? I have no doubt of the fact. If they know these things will they give them their support? If they do not, will they not enquire before they give their votes? I am extremely anxious on this subject.

My labours on the subject of Illuminism, I believe, have not been lost, though their effects have not been equal to what I have wished. They have at least served to wake up and direct the public attention to the subject. In consequence the dissemination of those poisonous principles have been reduced to the necessity of shifting their plane of operation, and of acting in a more guarded manner. This, at least has been the case in New England. Experience has entirely satisfied my own mind that the alarms sounded, and warnings given, were neither improper nor unseasonable. Have you read Barruel? If not, try to procure the work and give it a careful reading. It will convince you that the subject on which he treats is interesting and important to the people of the United States.

Nothing is yet concluded about the Georgia lands. The business is referred to commissioners, appointed by Congress. It is hoped the issue will be favorable to the purchasers. If so, your plans of settlement, which meet my own ideas perfectly, will come into consideration, and what I can do towards carrying them into effect shall be cheerfully done.

I shall this winter be preparing for a new edition of my geography. I wish you to revise Tennessee and such other parts as you are acquainted with and forward your remarks at your leisure. Wish you to forward me a copy of the new census, as early as taken, with the number of inhabitants in all your principal towns.

Your hint concerning sending missionaries to Tennessee shall be attended to. I will mention the matter to the Missionary Societies in Connecticut and New York with whom I correspond, and doubt not they will attend to the subject.

It will give me sincere pleasure to see you this way again, and to hear from you often in the meantime. I will endeavor to bear in mind to mention you to Mr. Bingham and Mr. Jay—who are both well.

The late news from Europe looks favorable, but we have so often been deceived that I can place no dependence on it. I should not be disappointed if the war should last these seven years to come. The report of the day is that the negotiations of our envoys are suspended, but it is not much credited.

With best wishes for your welfare, believe me

Yours truly, J. MORSE.

N. B.—I have not so much candor, as to believe with you, that "both the great parties into which the people of the United States are divided, are *desirous of the same result.*" I believe that a very considerable portion of the party called *Jacobins,* deceived as to the ultimate object of their leaders, are friends to their country and to the Christian religion, though in my opinion they act in direct opposition to both. But I firmly believe *some* of the *leaders* of the Jacobins, are hostile to our present Constitution, and would sincerely rejoice at the extirpation of Christianity and its institutions. And I believe if these men are elevated into office, as there is reason to fear will be the case, they will do what in them lies to destroy both the Constitution and the Christian religion. I wish I may have mistaken their views.

Documents Selected
from the
Secret Archives of the Vatican,
which
Testify to the Interest and Zeal of the Roman Pontiffs
in behalf of the
People of America, both Before and After the Discoveries of Columbus.

Printed from photographic plates. Twenty-five copies in the style of this one have been printed by the Vatican press for distribution among the more prominent libraries of the world. 1893.

Translated for the Tennessee Historical Society
by
Rev. John B. Morris.
[*Continued from page 295.*]

Letter XII—Alexander VI, May 3, 1493.

To our illustrious and most beloved son and daughter in Christ, Ferdinand, King, and Isabella, Queen, of Leon, Castile, Aragon, Sicily and Granada. Greeting:—

Your sincere and distinguished piety, as well as the integrity of your faith, not to speak of your reverence for our person and the Roman Church, merit favorable commendation at our hands to the end that you may persevere in your laudable enterprise of exploring and discovering remote and hitherto unknown islands and lands that thereby the name of the Omnipotent God may be honored more and more, the Christian empire extended, and the Catholic faith exalted.

Therefore of our own free will, being fully informed of the facts, and by the fullness of our Apostolic power, we this day give, grant and assign to you, your heirs and successors in the Kingdoms of Castile, Leon and Granada forever, all those remote lands and islands hitherto unknown, situated in the western hemisphere in the bosom of the great ocean, and discovered by your navigators, and be it added not without great labor and danger to them, as well as expense to the State.

Be it understood, however, that the above mentioned lands are not now under the dominion of any other Christian Prince. These, together with all titles of Dominion, their cities, fortresses, towns and villages, with all rights, jurisdictions thereunto belonging, of our own free will and with certain knowledge, as well as in the plenitude of our Apostolic power, we have granted, given and assigned to you, your heirs and successors, as is more fully expressed in letters prior to this. [Written, I think, the day before.] Since, however, to several Kings of Portugal, who have discovered and acquired possession of lands in Africa, Guinea and the Gold Coast, as well as islands elsewhere, certain privileges, exemptions, favors, liberties, immunities and powers have been granted by the Apostolic See, we as it becomes our dignity, being unwilling to deal less justly with you, of our own free will and without the solicitation of any one, moved by mere liberality, with full knowledge of our act, and in the fullness of our Apostolic power, decree that you, your heirs, and successors in the lands discovered or to be discovered in future, shall use, possess and enjoy the same privileges as have been granted the Kings of Portugal in the lands discovered by them. Be it understood, moreover, that these rights, privileges and immunities, together with liberties, favors and permissions, are to be yours forever, all letters, constitutions and other writings to the contrary notwithstanding. Since, however, it is inconvenient to forward these letters to the persons and places whither they should be forwarded, we decree that copies of them shall be made by a notary public, and that these shall be signed and sealed by one constituted in ecclesiastical dignity, or a member of our curia, and that they have the same authority with every one and in every place as these presents.

Given at Rome in the first year of our Pontificate.

Letter XIII—Alexander VI, May 4, 1493.

To our illustrious son and daughter in Christ, Ferdinand, King, and Elizabeth [Isabella], Queen of Castile, Leon, Aragon and Granada. Greeting:—

The work which is nearest our hearts and most pleasing to the Divine Majesty is the exaltation and propagation of the Catholic faith and Christian religion throughout the world to the end that barbarous nations may be subdued to the Cross of Christ. Cherishing this work greatly, we had no sooner by the favor of God, and without any merit on our part, been elevated to the chair of Peter than our thoughts were turned towards you, who are now and always have been true Catholic sovereigns. That we do not exaggerate in this, your distingished deeds prove to the whole world. You have not been content with merely desiring to increase the kingdom of Christ, but you have spared neither effort nor zeal, nor industry, nor labor, nor expense, that your desires should be realized. You have shunned no danger, not even the shedding of your own blood, in so worthy a cause. The truth of this statement is strikingly manifested in the zeal and earnestness with which you set about redeeming the kingdom of Granada from Saracen tyranny. With what success and glory to the divine name, the result clearly shows. We, therefore, deem it just and proper to commend and praise you, in recognition of all the good works, which, by the inspiration of God, you have undertaken for the promotion of His honor, and the propagation of the Christian faith. We have heard with pleasure that for some time past you have cherished the idea of discovering and exploring distant islands and lands, hitherto unknown to the world, that you might bring their inhabitants to worship the Redeemer and profess the Catholic faith. You were prevented, however, from taking up and carrying out this holy project, because of the occupation of all your energies in the work of conquering and restoring the kingdom of Granada; but finally when it pleased God, and you had entered into the possession of that Kingdom, wishing to carry out your long cherished desire, you sent our beloved son, Christopher Columbus, with ships and men, not indeed without great labor to him and his companions, but also with immense expense to the State to seek those remote countries you had dreamed of discovering.

At last by the divine assistance, Christopher Columbus, sailing diligently on the bosom of the great ocean, discovered certain remote islands and lands hitherto unknown to the world. He found there peoples as it is reported living in a nude state, eating no flesh, and believing in the existence of a Creator of the universe. He found in them a disposition to embrace the Christian faith, and an aptitude for good morals. If properly instructed and dealt with, he thinks they might easily be Christianized. He likewise reports that he has erected a fortress on one of the principal islands, where he and some of his followers may reside, while others go out in search of yet undiscovered regions. We are informed also that gold, aromatic spices and other precious things, varying in quality and quantity, are found on those islands. As a consequence of these discoveries, therefore, seeking in all things the exaltation and propagation of the Catholic faith as becomes true Catholic sovereigns, and in accordance with the spirit inherited from your ancestors you propose, with the help of God, to subdue the people of those islands, to the Catholic faith, we, therefore, commend this worthy project and we desire to see it brought to a happy conclusion. That it may be, we exhort you in the name of our Savior and by the baptism you have received, which binds you to obey our Apostolic commands, and by the bowels of the mercy of Jesus Christ, to hasten this work in zeal for the orthodox faith, regardless of danger and difficulties, animated by hope and sustained by an abiding faith in God, to bring those people to profess the Christian faith. And may the Omnipotent God bless your endeavors with a happy issue! And that you may enter upon this important undertaking more freely and courageously, of our own free will, not by your solicitation or the petition of any one else, but out of our own generosity, and with certain knowledge, as well as in the plenitude of our Apostolic power, we give, grant and assign by these presents forever to you, your heirs and successors, all the islands and lands found or to be found, discovered or to be discovered, towards the West and South, by drawing and establishing a line from the Arctic pole on the north to the Antarctic pole on the south. And this line shall hold good whether the lands discovered or to be discovered be in the direction of India or any other part. This line shall be one hundred leagues

west and south of the islands commonly called Cape Verde and the Azores, with the reservation, however, that those islands and lands discovered, or to be discovered, in accordance with the above drawn delimitation, shall not have been in possession of any Christian sovereign on last Christmas Day (which day begins the present year, 1493). In accordance with the boundary, and these reservations, by the authority of the Omnipotent God, acting in the place of Blessed Peter as Vicar of Jesus Christ, we give, grant and assign to you, your heirs and successors, the Kings of Castile and Leon, all the lands above referred to, together with all their titles of dominion, their provinces, fortresses and towns, with all rights thereunto belonging forever. We decree that you, your heirs and successors shall be the Lords of those realms, exercising free and complete power and authority in them. We decree, however, that by these grants and assigns, the rights and privileges of no other Christian ruler shall be interfered with, provided such rights have been recognized by us prior to the above mentioned feast of the Lord's Nativity, all decrees and constitutions, and Apostolic ordinances to the contrary notwithstanding. We command you, moreover, in virtue of holy obedience, according to your promise, which we do not doubt you will in your distinguished devotion and royal magnanimity faithfully fulfill, to send out to the above mentioned lands honest, God-fearing and learned men, capable of instructing the inhabitants in the Catholic faith and good morals, urging them to labor zealously in this work. Finally, we strictly forbid any one of whatsoever dignity, kingly or imperial, of any state, degree or condition, under pain of excommunication to be incurred if they dare transgress our commands to presume to visit for the sake of trade or any other cause except by express permission of you, your heirs and successors, all other constitutions and Apostolic ordinances to the contrary notwithstanding, those islands and mainlands, discovered or to be discovered in the future by you or your captains (toward the east and south, according to a line established running from pole to pole, whether these lands be in the direction of India or any other part whatsoever, which line shall be a hundred leagues to the west and south of the islands called in the vernacular, "Cape Verde" and the "Azores"). Trusting in Him who is the master of kingdoms

and empires, and from whom all good things proceed, to direct your endeavors in the prosecution of this laudable project, and we pray that in a short time your efforts, made in the interest of the happiness and glory of the whole Christian world, may be crowded with success. But since it is difficult to transmit these present letters to the places and persons for whom they are intended, we wish and decree that copies of them be made by a notary public, signed and sealed by some one constituted in ecclesiastical dignity, or a member of our curia, and we command that they be given the same confidence and respect as would be given in every place just as if they were these presents.

Given at Rome the fourth day of May, in the first year of our Pontificate, gratis, by command of our Lord, the Pope.

Letter XIV—Alexander VI, June 25, 1493.

To our beloved son, Bernard Boil, Monk of the Order of Friars Minor, Vicar of said Order in the kingdom of Spain. Greeting:—

We gladly assent to the pious wishes of the faithful, and especially of Catholic kings and rulers, who feel interested in the propagation of religion, the increase of divine worship, the exaltation of the Catholic faith and the salvation of souls, and we mark them for our future favors. When, therefore, our most beloved son and daughter, Ferdinand, King, and Elizabeth, Queen, of Castile, Leon, Aragon and Granada, moved by the fire of their zeal and desirous that the Catholic faith should flourish and grow in those islands and lands lately discovered, made known to us recently that they had destined you as a missionary to those regions, in order that you and other priests, secular and religious, subject to your appointment, should preach the word of God, and bring the people of those lands to the knowledge of the faith and religion of Christ, as well as instruct them to walk in the ways of the commandments, we were well pleased. Therefore, hoping that what has been committed to you will be faithfully and diligently executed, by our Apostolic authority and with certain knowledge according to the tenor of these present letters, we grant you, who are a priest, together with your companions whether they be of your own or of any other order, of course selected by the King or Queen, your

superior, or any other person having proper authority, the permission of proceeding to those distant islands and lands above mentioned and remaining there as long as you or they may wish. We also grant you, or other priests, secular or religious, with the restriction, however, that they be chosen by you or your above mentioned superiors, permission to preach the gospel to those remote peoples, to subdue them to the faith of Christ, to baptize and instruct them to administer the sacraments, to hear their confessions and when necessary to absolve them from their excesses and faults when they have contritely confessed them, even from those censures reserved to the Apostolic See. We empower you likewise to impose upon them a salutary penance and to dispense them from temporal vows, except those to visit Jerusalem, the Church of the Apostles Peter and Paul, the Church of St. James in Compostella, as well as religious vows. We likewise empower you to commute *these* into good works. We grant you also permission to build Churches, Chapels, Monasteries, Religious Houses of any order, even of mendicant orders of men and women, and we empower you also to lay out gardens, construct workshops and all other things which you may deem necessary to the success of your undertaking. We likewise empower you to grant permission to religious, even of the mendicant orders, to inhabit those houses and monasteries after erection, notwithstanding the Papal commands to the contrary. You are empowered also to bless new Churches, to restore Churches and Seminaries where they have been desecrated by the shedding of blood or otherwise; with the reservation, however, that the water used in this reconciliation be blessed beforehand by some prelate. With all these things you must burden your own conscience. We likewise confer upon you the privilege of using flesh meat freely and legitimately, even at those times when the rules of your order prohibit it. We grant you all these powers collectively and singly and whatever others you may deem necessary for the prosecution of the work to which you have been appointed. Moreover, that faithful souls, zealous for the advancement of religion, may be encouraged to assist in the work of saving souls, to each and to all of them, who with the permission of the King and Queen, may wish to go to those lands as missionaries, we grant them the privilege of selecting any con-

fessor, religious or secular, they may choose; and we likewise grant these confessors the power to absolve them from their offences and sins, even from the censures reserved to the Holy See; to commute their vows into other works of piety, with the provision, however, that they be truly sorry for their sins and confess them orally. This permission we grant them once in life and once at the hour of death, if they remain sincere in the faith, obedient and faithful to us and our successors. And we further grant to the before mentioned monasteries, places and houses to be erected, and to the Monks and Friars who shall dwell in them the privilege of using, possessing and enjoying the favors, exemptions, indulgences and indults which are enjoyed by other monasteries erected and to be erected in the future. This, notwithstanding the constitution of Boniface VIII, forbidding monks of mendicant orders to accept new places and inhabit them without special permission of the Holy See, as well as other constitution and ordinance to the contrary notwithstanding. [Ending same as preceding letter.]

Letter XV.

[Commending Bartholomew and Didacus Colon.]

Julius II, April 10, 1507, to our beloved son in Christ, Ferdinand the Catholic, King of Aragon and Sicily.

Beloved son in Christ, health and Apostolic Benediction:

Our beloved son, Bartholomew (Colon), has made known to us his intention of visiting your majesty. He is a brother of Christopher Columbus, who some years ago discovered islands and lands in the vicinity of India. For a long time he served you and dwelt in those parts, and did much for the Christian commonwealth. On this account, he well merits our protection and favor. Wherefore we earnestly commend Bartholomew and his son to your majesty.

Letter XVI.

[The same to the same.]

Most beloved son in Christ, health:

Our beloved son, Bartholomew Colon, is about to visit your Majesty's Court. He is a brother of Christopher Columbus, who some time ago discovered certain islands off the coast of

India, unknown to our ancestors. He is about to leave us to return to you. Learning that he spent some time in those islands discovered by his brother, we received and heard him graciously. We now commend him to you. He and his brother have done much for the Church in those distant lands, wherefore we exhort your Majesty, because of your unflagging interest in the Catholic faith, to receive the admirable Bartholomew, and his son Christopher. This seems hardly necessary to suggest, as we well know you will do so of your own accord.

Given at Rome, April 10, 1507.

Letter XVII—Leo X, August 28, and September 9, 10, 1513.

Leo to his beloved son, John de Quevedo, elected to the Church of Santa Maria Antica. Greeting:—

The duty of our pastoral office requires that we be solicitous about all the churches but more especially those which have been newly established, which like new plants in the garden of the Lord, are exposed to many difficulties. We must in the exercise of our ministry diligently see to it that pastors are placed in charge of them, who by their fruitful zeal, will lead them in the happy way of temporal and spiritual prosperity. A short while ago, we reserved to ourselves the appointment of Bishoprics then vacant and hereafter to be vacant; decreeing that if any one by any authority, whether ignorantly or knowingly, should attempt the contrary, his action should be considered null and void. Some time after this, having conferred with our venerable brethren, and in the plenitude of our Apostolic authority, we erected the See of Santa Maria Antica, which is situated in the new land of India (?), and which has been recently, under the auspices of our beloved and illustrious son in Christ, Ferdinand, King of Aragon and both the Sicilies, freed from the ancient tyranny of paganism. Since its erection, this See has been vacant, and no one except ourselves at this time has any right to interfere in its affairs because of the reservation and decree just referred to. Therefore, in order that swift and happy provision may be made for its government, and that it may not too long suffer the inconveniences of vacancy, after mature deliberation and consultation with our brethren in regard to the appointment of a useful and zealous person to preside over it, we have determined to

select a Bishop for its guidance, and in doing so we have turned our eyes toward you, a professed priest of the Order of Friars Minor, called Observants; of whose zeal in the administration of things spiritual, and prudence in temporals, as well as the abundant possession of other virtues, we have received ample testimony. After carefully considering matters, and accepting the recommendation of your brethren, we hereby appoint you Bishop and Pastor to preside over that Church. We confide to your care complete administration of its affairs, spiritual and temporal. Trusting, therefore, in Him who gives grace and bestows rewards, we pray that your administration may be a happy and prosperous one, that the Divine Assistance may favorably direct you, and that in you your Diocese may reap great spiritual and temporal rewards. Having accepted, therefore, this yoke from the Lord, may you bear it with patience and exercise with prudence the duties of your office in behalf of your flock, so that the people of your Church may feel that they have been placed in charge of a prudent and energetic administrator, and that you, in addition to your eternal reward, may receive the blessing and favor of the Apostolic See.

Given at St. Peter's, etc., first year of our Pontificate.

Letter XVIII.

[In the same tenor.]

To our beloved children, the people of the City and Diocese of Santa Maria Antica. Greeting:—

This day, having consulted with our brethren, and in the plentitude of our Apostolic authority, we have elected our beloved son, John, to be Bishop and pastor of the Church of Santa Maria Antica, vacant since its erection, and by the same authority, we commit to his care, the temporals and spirituals of that Diocese, as we have more fully stated in our preceding letter. Wherefore we beg and exhort you all earnestly, and we command you by our Apostolic letters to receive the same elect John with proper honor, to reverence and obey him, to humbly receive his advice and commands, so that he may rejoice that he has found in you devout children, and you may rejoice that in him you have received so kind a father. [Given as above.]

Letter XIX.

[In the same tenor.]

To our beloved and illustrious daughter in Christ, Johanna, Queen of Castile and Leon. Greeting:—

Since, most beloved daughter in Christ, it is our duty to receive kindly the ministers of God, and to honor them by word and deed, for the glory of our eternal King, we earnestly beseech and exhort your royal serenity to receive John, Bishop-elect of Santa Maria Antica, for the respect due us and the Apostolic See, and to take him under your protection. [Given as above.]

Letter XX.

Leo X, to his beloved son, John de Quevedo, Bishop-elect of Santa Maria Antica. Greeting:—

Recognizing the See of Santa Maria Antica was without the comfort of a pastor, by the recommendation of your brethren, and by our Apostolic authority, we have appointed you Bishop, as is more fully contained in our previous letters. Wishing likewise to inconvenience you as little as possible, and desirous of yielding to your inclinations, we empowered you to receive Episcopal consecration at the hands of any Bishop being in communion with the Apostolic See, assisted by two other Bishops, holding the same communion.

We wish, however, and command that you take the usual oath before consecration, and by our Apostolic authority, we decree and declare that if any Bishop shall consecrate you without first administering the prescribed oath, he be thereby deprived of jurisdiction over his Dioceses in spirituals and temporals, and by that very fact, he shall be suspended from the exercise of his Episcopal office. We wish moreover that the oath to be taken by you be written down word for word in your own handwriting, sealed with your own seal, and sent to us by a special messenger as soon as possible. The form of the oath shall be as follows: "I, John, elected to the Church of Santa Maria Antica, from this hour on shall be faithful and obedient to the Blessed Peter, to the Holy Roman Church, our Lord, Pope Leo X, and his canonically chosen successors, so help me God and his holy Gospels."

[Given, etc.]

Letter XXI.

Leo X, to his beloved son, John de Quevedo, of the Order of Friars Minor, a professed Monk of those commonly called Observants. Greeting:—

In accordance with the usual custom of the Holy See that the rights of Cathedral Churches may not be impugned, and that those elected to preside over them may do so with a clean heart and pure conscience, having, by the advice and recommendation of your brethren and in the plenitude of our Apostolic authority, chosen you Bishop of Santa Maria Antica, we do now by these presents in order that our letters sent out heretofore may have their full effect, absolve you from all excommunication and censure, etc., all other constitutions and Apostolic ordinance to the contrary notwithstanding. [Given at Rome, etc.]

Letter XXII—Clement VII, June 7, 1526.

To our beloved brother, Francis of the Angels, Minister General of the Order of St. Francis:

We have learned that you are of a holy and religious turn of mind, and that these gifts are united to prudence and learning, all of which you employ to promote God's greater glory and worship.

Our recent conference and conversation with you have confirmed this report. We, therefore, deem you in every respect worthy of our paternal love and favor. Your devotion is such that notwithstanding the fact that you are Minister General of the Franciscan Order, you are not content to send out your own brethren as missionaries for the propagation of the faith among the peoples of those distant lands, discovered by our beloved son, Charles, Emperor-elect of Spain, and Catholic King; but you yourself are about to make a journey thither, imitating in this respect the holy Apostles of God in your desire to spread the truth of the Gospel among those peoples, and to extend even further the boundaries of Christianity by bearing onward as you have determined to do, the most sacred sign of the cross. We commend your will and zeal in this salutary work, and we exhort you in the Lord to persevere with every hope, and trust that you may have success. We pray the Omnipotent God who has in-

spired you with such holy deeds that he may assist you with his heavenly light in clearly manifesting the faith to those rude men. With sincere pleasure then we give and impart to you our Apostolic Benediction in the name of the Father and of the Son and of the Holy Spirit, and we dismiss you in the name of our Lord Jesus Christ, departing in imitation of Christ and his Apostles to preach the Gospel, thus to gain eternal life for yourself and salvation for those nations and peoples.

Letter XXIII—Clement VII, October 19, 1532.

To our beloved son in Christ, the ever august Charles, Emperor of the Romans:

Beloved son in Christ. Greeting:—

You have made known to us that by the blessing of the Lord, you have added to your temporal domain several islands in the new world, and you have found there a wild people, to whom the name of Jesus Christ, our Lord and Savior, and the orthodox faith are unknown. You have also informed us of your inability to provide for the spiritual welfare of those people, by having them instructed in the faith, and to this end you desire that we shall send out some approved missionaries who shall preach and publish the word of God there, and direct and instruct the inhabitants themselves in the commandments of the Lord. Therefore you humbly supplicate us, in the name of our Apostolic dignity, to second your wishes in this matter. We, therefore, in the Lord, commending your pious desire, grant you the faculty of selecting one hundred and twenty (120) Friars Minor, seventy (70) Dominicans, ten (10) professed Hieronymites. whom you, beloved son, or those holding your place in those islands, may deem suitable for that work, provided, however, they shall be willing to go of their own accord. We grant, therefore, those monks free and full permission to reside there. We decree further that they shall enjoy, use and possess every privilege, exemption, prerogative, favor and indult which their brethren at home use, possess and enjoy by Apostolic constitution or by custom, all constitutions, Apostolic ordinance or oath of said orders confirmed by the Apostolic See, or by any other authority, statutes and constitutions, privileges and indults, as well as letters Apostolic to superiors of said Orders, to prelates and persons in whatever signification, in whatever form and by whatsoever decreed—even our own personal writing in the form of a brief, even though it should have been reiterated and approved, are hereby suspended in accordance with the provisions of these present letters—other things to the contrary notwithstanding.

[THE END.]

GOVERNOR WILLIAM CARROLL.

BY MRS. EMMA CARROLL TUCKER.

While the country was still quivering from its recent struggle for independence William Carroll was born. His birthplace was a farm near Pittsburg; the date of his birth, March 3, 1788. Of his parentage and childhood little is known. In a campaign article published during his first candidacy for governor of Tennessee, he is spoken of as the son of a "revolutionary farmer," and this statement was corroborated by his youngest son, Charles M. Carroll, who longest survived him.

There is evidence also, by inference as well as by assertion, that William Carroll belonged to the same family as the Carrolls, of Maryland. He had a brother named Daniel, presumably for his grandfather, Daniel Carroll, who was also the grandfather of "Charles Carroll, of Carrollton." My uncle was the namesake of the distinguished signer of the Declaration of Independence, and when old and decrepit, but still possessed of clear mind and retentive memory, he relates an incident of his childhood which, coupled with his assertion, forever set at rest any doubt as to the degree of kinship. He stated that when he was a little lad his father, William Carroll, received a letter from Charles Carroll, of Carrollton, asking his cousin to visit him. The slow methods of travel of that period and the circuitous route consumed much time, and William Carroll, accompanied by his son Charles, reached the historic home of the signer the last of November, 1832, only to find that he had been dead a fortnight. The daughter of Charles Carroll, Mrs. Flora McTavish, entertained her cousins during the visit, shortened as it was by the sad event which had so recently occurred.

Of his education we can only judge by his State papers, which are characterized by a good literary style, no less than by that clear judgment, sound sense and remarkable penetration which made him the reform governor of Tennessee.

GOVERNOR WM. CARROLL.

[From a painting by W. B. Cooper, in the Tennessee Historical Society.]

In 1810, at the age of twenty-two, William Carroll went to Nashville to establish a branch of the Pittsburg store of which he was a partner.

Parton thus describes him as he appeared at this time: "He was a tall and well formed man, much given to military affairs, and he thus attracted the notice of General Jackson, who advanced him so rapidly and paid him such marked attentions as to procure for the young stranger a great many enemies. Carroll moreover was not a genuine son of the wilderness. With all his powerful frame and superior stature, there was an expression of delicacy in his smooth, fair countenance that found small favor in the eyes of the rougher pioneers. Perhaps, too, in those days there was a touch of dandyism in his attire and demeanor."

Other writers speak of his lofty stature, of his cordial manners, of his neatness in dress, of his frank and noble bearing, until we have a fair picture of the young man who was destined to accomplish so much, not only for his adopted State, but for the country at large.

As a result of the jealousy mentioned by Parton, it was sought to engage William Carroll in a duel. His actions plainly showed that he disapproved of this barbarous method of settling differences. He avoided an encounter until Jesse Benton, who was not concerned in the difficulty, challenged him.

Then there was no recourse. Carroll accepted, and with General Jackson as his second, repaired to the field where he wounded his antagonist and was himself wounded slightly in the thumb.

The part that Jackson took in this affair involved an altercation with Jesse Benton's brother, Thomas H. Benton, one of the quartette who, at a somewhat later period, led in the political affairs of the nation.

William Carroll's first military position was that of brigade inspector with the title of captain.

It was no sinecure: the duties of the post were well performed and when Indian warfare afforded an opportunity for exhibiting personal prowess, Captain Carroll was rapidly promoted. We have evidence of this in a note written by General Jackson to Governor Blount requesting him to inform the ladies of East Tennessee who presented the colors to the State volunteers that Captain Deaderick and others, under the direction of Major Car-

roll, well and martially supported the flag, leading the Tennesseans to victory at the battle of Talledega.

Events were moving rapidly and we next hear of Colonel Carroll as being high in the confidence of Jackson and as being sent to Tennessee from the Creek country to raise a new army. He had to encounter all of the difficulties to be experienced in persuading settlers of a new country to leave their families unsupported while they fought the savage allies of the British. For Tecumseh, unable to rouse the Indians to rid the country of the white settler had joined the British and was perpetrating great cruelties in the South.

Colonel Carroll, rather than bring no men, enlisted a body of horse for two months only. Jackson's own dispatch to General Pinckney after the battle of Emuckfau mentions Colonel Carroll, together with General Coffee and Colonel Sitler, as mounting their horses the moment the firing commenced, repairing to the line, and encouraging and animating the men to the performance of their duty. Another account says that Colonel Carroll who ordered the charge, not content with putting the savages to flight, "led on the pursuit." In the dispatch before alluded to Jackson, in his account of the battle of Enotochopco, says: "I had placed Colonel Carroll at the head of the center column of the rear guard," and after recounting the unexpected, precipitate flight of the right and left columns of the rear guard, which drew with it the greater part of the center columns, he adds: "There were left not more than twenty-five men, who, being formed by Colonel Carroll, maintained their ground as long as it was possible to maintain it."

In a letter published in the *Nashville Whig*, April 27, 1814, Jackson mentions that "Colonel Carroll, inspector general, went with the foremost."

An account of the battle of Tohopeka in the Horseshoe bend of the Tallapoosa river contains these words: "In this engagement General Carroll sustained his reputation for skill and bravery." He soon after returned home to take charge of the new levies for New Orleans. Meanwhile Jackson received the appointment of major general in the regular army, and Carroll was elected major general to succeed him in the command of the Second Division of Tennessee militia.

It was no empty and meaningless honor to hold this position then in the State, as subsequent events demonstrated. Under the terms of the constitution the major general was elected by the field officers of the militia. Jackson's election to this position led to the victory he gained over the British at New Orleans, and this victory eventually made him president of the United States. The election of Carroll to the position led to his participation in these stirring events, and partially caused his election to the gubernatorial chair which he was to fill with such honor to himself and with such lasting benefit to Tennessee.

The final struggle of the British was at hand. General Carroll, burning with zeal, raised a volunteer force in Tennessee composed of men of substance and respectability, and after incredible exertions and many vexatious delays, had got them embarked on a fleet of rafts on the Cumberland when an extraordinary rise of the river enabled them to make swift progress into the Ohio, and thence into the Mississippi where, overtaking a boat load of muskets, General Carroll armed his men, not more than one-eighth of whom had a weapon.

The raw recruits were then drilled in the use of the guns by the indefatigable commander, the roofs of the "arks" being their "field of Mars."

General Carroll was a skilled tactician as well as a man of resource, and, by the time the flotilla landed at New Orleans the recruits were at least partially acquainted with the manual of the arms. For this, and for his "Tennessee swiftness" General Carroll has been universally commended. Parton says that it may almost be said to have saved New Orleans. Eaton says: "To the industry of General Carroll in hastening these arrangements . . . and to his fortunate arrival is greatly to be attributed the reason that success did not result to the enemy in his first assault, or that Louisiana escaped the impending danger."

At the battle of New Orleans which ensued General Carroll's division was in the center supported by the Kentucky troops under General John Adair.

It is generally conceded that the heaviest fire was at that point. Walker says that the space in front of Carroll's position for an extent of two hundred yards was literally covered with the slain. In an interval of the fighting General Jackson heartily extolled

the wonderful firing of the divisions of Generals Carroll and Adair.

The following account by Waldo supplies the reason for the violent assault on the center by the British. A deserter told Sir Edward Packenham where the weakest part of the American lines lay, having, as he said, nothing but Tennessee and Kentucky militia to defend it.

The principal column of the enemy attacked the Americans at that point. After the defeat the British, thinking that they had been purposely misled, "railed at the deserter and hung him."

There still remains in the family archives a letter written by General Carroll to his wife on the eve of the battle of New Orleans, in which, not knowing the event of the impending struggle, this, the youngest of the generals, who was not yet twenty-seven, confides his wife to the protection of the God of battles. He had married the preceding year Miss Cecelia Bradford, a descendant of Governor William Bradford, of Plymouth Colony, Mass.

The ovation to the conquerors which followed the battle was a memorable occasion in the annals of New Orleans. Studied and cynical unbelief was rare in those days, least of all among the heroes of great deeds almost unparalleled in history. Accordingly, when a day of prayer and thanksgiving for the happy deliverance effected by our arms was appointed, Generals Jackson, Coffee and Carroll repaired to the Cathedral, accompanied by their chief officers. As they proceeded through the streets thousands of voices sang the ode, "Hail to the Chief!" produced for the occasion in honor of Jackson.

The legislature of Tennessee passed a vote of thanks, and further manifested their respect for the character and achievements of General Jackson and his gallant associates by presenting the former with a gold medal, and Generals Coffee and Carroll with elegant swords.

I have heard the scene of the latter presentation described by two eye-witnesses, Mrs. William H. Carroll, the daughter-in-law of the officer thus honored, and his son, Charles Montgomery Carroll. It occurred at the First Presbyterian Church of Nashville, of which General Carroll's wife was a devout member. The presentation was followed by an enthusiastic ovation to the recipient. The sword is now in the possession of the Tennessee

State library. It is inscribed as follows: On the handle, "Presented by the State of Tennessee to Maj. Gen. Wm. Carroll." On one side of the blade, "New Orleans, Jany. 8, 1815, Talladega, Emuckfau, Enotachopco and Tohopeka;" on the other, "Presented by the State of Tennessee to Maj. Gen. Wm. Carroll, as a testimony of high respect for his public services."

After the close of the war General Carroll again returned to civil life. He was a very active business man, and in 1818 had built the first steamboat which floated under the bluffs at Nashville, and which he named the "General Jackson." He continued in business until the financial depression of 1819-'20, when he met with severe reverses. In 1821 he was elected governor of the State. The opposing candidate was Edward Ward. The issue was constitutional reform.

The constitution of 1796 made taxes upon large land owners lighter proportionately than upon small ones. Another evil in the eyes of General Carroll was that under the constitution, only the governor and members of the legislature were elected by the people. Carroll advocated a change of the constitution to reform these and many other affairs in the government of the State. With this canvass began the prominent part that the press has since taken in the elections of the State.

The great mass of the people supported Carroll, and he received more than three times as many votes as Ward.

Mr. G. R. McGee, in his admirable history, tells of the opening period of Governor Carroll's administration, when, by urging more attention to business and less to politics, he brought about an improvement in the condition of the people. "The following," says Mr. McGee, "were the principal measures that Governor Carroll earnestly advocated:

"A change in the Constitution that would improve the methods of levying taxes and electing officers, and that would avoid conflicts between the different courts.

"2. A good system of internal improvements.

"3. A State penitentiary.

"4. A hospital for insane people.

"5. A State capitol."

Governor Carroll eventually secured all of these measures except the building of the capitol which was not begun until the

year after his death. In all the reforms of this period of Tennessee history Governor Carroll was the leading spirit. No other governor of this State ever exercised as commanding an influence over the people and the legislature, and Carroll's administrations mark in the history of the State an epoch that was almost revolutionary in results.

To the Honorable James Phelan we are indebted for some personal descriptive touches which will bear transcribing:

"Carroll's disposition was frank, open and cordial. He was always at his ease, and was always ready to enter into the spirit of any occasion. When he was met by one of his old soldiers he always stopped him for a shake of the hand, and generally knew his name.

"Indeed, he had almost become bankrupt by going security for his friends. When this became known during the gubernatorial campaign there was a popular uprising for Carroll. He was toasted at every banquet, and cheered at every barbecue. . . . Carroll's majority was the largest ever given in this State before the war, and he broke the strength of what would now be called the bureaucracy."

Mr. Phelan further says: "Carroll had not only seen much of the world, he had also profited by his experience. His position on the public questions which came up for discussion during his long administration was often very far from being the popular position, but it is remarkable that no other governor ever had so much influence over the legislatures to whom his messages were addressed."

His astuteness and foresight were shown in his steady opposition to the chimerical political scheme termed the "loan office," which Felix Grundy had pushed through an extra session of the legislature. As a remedy for financial embarrassment Carroll recommended economy and industry, and urged as prompt a return to specie payment as the circumstances would permit.

Phelan says that Governor Carroll disposed of the proposition to unite the Nashville and State banks by an unanswerable syllogism:

"Their strength consists in their solvency.

"If they are solvent and continue so, they have nothing to fear:

"If they are unsound, a union of unsound parts can never make a perfect whole."

A unique resolution due to Governor Carroll's influence, recommended the members of the next General Assembly to appear in clothing entirely of domestic manufacture.

General Carroll was also a warm advocate of internal improvements, demanding with fire and vigor that Tennessee, with her vast resources, should not lag behind other States in the march of progress.

Many years elapsed before all the reforms he advocated were established, but it is due to Carroll's liberal-minded appreciation of the necessities of the times, and his unswerving obstinacy in pressing them that they were at last achieved.

I again quote Mr. Phelan, whose summary of Governor Carroll's administration is concise and accurate:

"If we divide our State history into the ancient and modern periods the credit would fall to Carroll's lot, of having foreseen and ushered in the latter. He was essentially the reform governor of Tennessee."

When in 1824 the venerable Lafayette was the guest of the nation William Carroll was the chief executive of the State, and in his official capacity entertained the marquis. An invitation to the function at Nashville is treasured by the Carroll family.

He was a frequent and welcome visitor at the Hermitage, and it is recorded that at the Monroe ball General Jackson appeared on one side of the President and General Carroll on the other.

When the Democratic convention which nominated Van Buren assembled at Baltimore, May 6, 1840, Governor Carroll was made chairman and exercised his temporary office with the same promptness, clear judgment and sound, practical view of things which had characterized the chief executive of the State of Tennessee for twelve momentous years.

In the *New Orleans Picayune* of November 14, 1840, occurs the following notice:

"We have seen a letter from the veteran, General Carroll, to one of his friends in this city, in which he says: 'It is now almost twenty-five years since we fought the battle of the 8th of January, and almost sixteen years since I was on the ground. As my health has improved a good deal lately, I have thought of being with you on the 8th of January, especially as my old companions, the veterans of 1814-'15, have done me the favor to elect me an honorary member of their society.'

"These tidings of the intended visit of General Carroll on this interesting occasion will be gratefully received by his old companions in arms and by the whole people of New Orleans. General Carroll commanded the left [*sic*] wing of the army on the glorious 8th, and it was there that the enemy made his principal attack, and where he suffered the greatest loss of men. The old soldier commends his best wishes to all his friends and fellow-soldiers in New Orleans."

On March 15, 1844, General Carroll delivered an address congratulating General Jackson and the country on the final passage of the act of Congress appropriating a sum of money to repay General Jackson the amount of the fine (with interest) imposed upon him by Judge Hall, of New Orleans. This was the last public act of General Carroll.

He died March 22, 1844.

His life is summed up in the inscription on his monument in the old City Cemetery at Nashville:

"As a gentleman he was modest, intelligent and courteous; as an officer, brave and daring; as a statesman, firm, wise and just.

"To commemorate her estimation of his character the State of Tennessee has caused this monument to be erected."

EDITORIAL.

No memoranda of the transactions of the Tennessee Historical Society appear in this issue, because there has been no meeting of the Society since the July number of the Magazine. When the June meeting of the Society adjourned, it adjourned to meet the second Tuesday in October. The transactions will appear as heretofore, when the Society resumes its meetings after the summer vacation.

The paper headed "Robert Henry Hynds," on page 296, is by Henry Francis Beaumont. Indeed, it is a part of his very excellent and interesting paper on "Dandridge: The Namesake of Martha Washington," page 274, and should have followed immediately after it, with "Robert Henry Hynds" as a sub-heading. In making up the forms the paper got divided, and the mistake was not discovered until it was too late to correct it, much to the regret of the editor.

We present in this issue original biographical sketches of two of Tennessee's distinguished Governors. That of Governor Trousdale is from the thoroughly competent pen of B. F. Allen, Esq., of Gallatin, whose intimate acquaintance with the subject of his sketch adds especial weight to his estimate of Governor Trousdale's character.

That of Governor Carroll is from the charming pen of his granddaughter, Mrs. Emma Carroll Tucker. She has prepared her sketch with great care, after an extensive investigation of her subject in the leading libraries of this country, and has produced a paper that is at once a finished literary production, and a valuable contribution to Tennessee history.

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